

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**FOURTH**  
**EXTRAORDINARY**  
**SESSION OF 1975**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING MONDAY, NOVEMBER 3, 1975**



**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

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**FIRST LEGISLATIVE DAY**

**MONDAY, NOVEMBER 3, 1975**

**BE IT REMEMBERED**, that on the 11th day of October, A.D., 1975, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA**

**PROCLAMATION  
BY THE GOVERNOR**

**WHEREAS**, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article 5, Section 122 of the Constitution of Alabama of 1901:

**NOW, THEREFORE**, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 6:00 P. M., Monday, November 3, 1975, and I do hereby designate the following subjects and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to make appropriations for the support of public education in the State of Alabama.

2. To enact legislation relative to workmen's compensation, to amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5, Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act Number 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act Number 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12, and 16 of Act Number 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total

disability, permitting credit for the payments of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

3. To enact local legislation relative to the funding of the Jefferson County Health Department; and the Jefferson County Transit Authority established pursuant to Act Number 993, H. 1089, Acts of Alabama, 1971 Regular Session, Page 1787, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and have caused this proclamation to be attested by the Secretary of State, at the Capitol, in the City of Montgomery, on this the 11th day of October, 1975.

GEORGE C. WALLACE,  
Governor.

Attest:

MRS. AGNES BAGGETT  
Secretary of State

#### AMENDMENT TO PROCLAMATION BY THE GOVERNOR

WHEREAS, by Proclamation issued on the 11th day of October, 1975, I did convene the Legislature of Alabama in Special Session and did designate specifically certain matters concerning which I deemed action to be necessary; and

WHEREAS, I deem it necessary to amend said Proclamation to include another matter concerning which I deem action to be necessary:

NOW, THEREFORE, I George C. Wallace, as Governor of Alabama, under the authority vested in me by the Constitution of Alabama, do hereby amend the Proclamation issued by me on the 11th day of October, 1975, convening the Legislature in Special Session, and specifically amend said Proclamation by adding, as additional items and subjects, the following:

4. Legislation to equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System



with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and caused the Secretary of State to attest this amendment to said Proclamation at the Capitol, in the City of Montgomery, on the 3rd day of November, 1975.

GEORGE C. WALLACE,  
Governor.

Attest:

MRS. AGNES BAGGETT  
Secretary of State

Pursuant to such proclamation, at the hour of six o'clock P.M., on Monday, November 3, 1975, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Lieutenant Governor Beasley, President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

#### PRAYER

The Session was opened with prayer by the Reverend John Ed Mathison, Frazer Memorial United Methodist Church, Montgomery, Alabama.

#### ROLL CALL

Present:

Messrs.: Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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#### LEAVES OF ABSENCE

On motion of Mr. Owen, leave of absence was granted Mr. Littleton for today.

On motion of Mr. Owen, indefinite leave of absence was granted Mr. Weaver.

#### RESOLUTIONS

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a Committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the

House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

AND BE IT FURTHER RESOLVED THAT said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

AND BE IT FURTHER RESOLVED That said Committee shall escort His Excellency, the Governor, to the Hall of the House of Representatives in the event of such joint session.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Mitchell, Adams and Powell.

Messrs. Owen, Bank, Mims, McDonald (A), Fine, Gilmore and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. TO PROVIDE FOR THE DAY TO DAY ADJOURNMENT OF BOTH HOUSES OF THE ALABAMA LEGISLATURE DURING THE FOURTH SPECIAL SESSION OF THE ALABAMA LEGISLATURE, 1975.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when we adjourn today, we adjourn to meet on Tuesday, November 4, 1975; and when we adjourn on Tuesday, November 4, 1975, we adjourn to meet on Wednesday, November 5, 1975; and when we adjourn Wednesday, November 5, 1975, we adjourn to meet Thursday, November 6, 1975; and that when we adjourn Thursday, November 6, 1975, we adjourn to meet Friday, November 7, 1975.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Owen, Bank, Mims, McDonald (A), Gilmore and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. SUSPENDING S. J. R. 13, THIRD SPECIAL SESSION, 1975, FOR THE CURRENT SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That S. J. R. 13, Third Special Session, 1975, is hereby suspended and declared inoperative during the Fourth Special Session of the Alabama Legislature, 1975, commencing on November 3, 1975.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 4. CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATIONS OF LAWSON JUNIOR COLLEGE AND TECHNICAL SCHOOL LOCATED IN BIRMINGHAM, ALABAMA

WHEREAS, under Senate Resolution 80, during the Regular Session of the 1975 Legislature, there was created an interim committee to study the operations of Lawson Junior College and Technical School located in Birmingham, Alabama; and

WHEREAS, according to said resolution the committee composed of Senators Pearson, Chairman; Clemon, Gilmore, McMillan, and Vacca

was required to report back to the Senate by the third (3d) day of the Regular Session; and

WHEREAS, the committee has performed within the time limits granted it; and

WHEREAS, it is the feeling of this Senate that further study is needed; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA that the committee composed of the five named senators be reappointed by the presiding officer of the Senate and said committee is hereby commissioned to make further study in order to ascertain whether legislation is needed in this area, and report back to the Senate by the fifteenth (15th) day of the next Regular Session.

No member of the committee shall receive any compensation for work done in connection with this committee. However, upon the request of the chairman, the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work; and further, the committee shall be empowered to hold hearings or meetings and to employ such legal, clerical, and stenographic assistance as may be necessary. Any assistance authorized by the Secretary of the Senate shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that the expenditures for any purpose of this committee shall not exceed twenty-five hundred (2500) dollars.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. ENDORSING RUSSELL COUNTY AS THE SITE FOR A NATIONAL VETERANS CEMETERY.

WHEREAS, 350 acres of historic Ft. Mitchell Reservation have been set aside in anticipation of having a national veterans cemetery located therein; and

WHEREAS, if such a cemetery site is approved, the National Veterans Cemetery in Russell County would serve the entire southeastern region of the United States; and

WHEREAS, the site in Russell County has been approved by the Land Acquisition Department of the Veterans Administration; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we endorse and strongly support the selection of a site in Russell County for a National Veterans Cemetery.

BE IT FURTHER RESOLVED, That the legislature extend a cordial invitation to Congressman George Danielson, Chairman of the Subcommittee on Cemeteries and Burial Benefits to hold hearings in Russell County, Alabama in order that a proper determination be made in this matter.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama congressional delegation and to Congressman Jack Brinkley from Georgia.

On motion of Mr. Torbert, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Baker offered the following Senate Resolution, to-wit:

**S. R. 6. ELIMINATING THE RIGHT TO OFFER SUBSTITUTE BILLS WHEN THE SUBJECT MATTER PERTAINS TO THE APPROPRIATIONS FROM THE STATE GENERAL FUND OR TO THE GENERAL EDUCATION APPROPRIATIONS FROM THE SPECIAL EDUCATION TRUST FUND; REQUIRING SEPARATE AMENDMENTS TO CHANGES.**

WHEREAS, the offering of substitute bills to the general fund budget and the education budget causes much confusion and misunderstanding, and extends the chance of error and fiscal irresponsibility; now therefore

**BE IT RESOLVED BY THE ALABAMA SENATE,** That during either the regular or special sessions, no substitutes to the general fund budget or to the education budget shall be accepted, after said bill is reported out of committee by the Senate and any proposed change to such bills must be offered by separate amendments.

**BE IT FURTHER RESOLVED,** That no conference committee on the general fund budget or on the education budget shall accept nor shall they offer substitutes thereto, and any proposed change submitted by the committee must be by separate amendments.

Which was read and referred to the Standing Committee on Rules.

Mr. Baker then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. REQUIRING THE GENERAL APPROPRIATIONS FROM THE STATE GENERAL FUND AND THE GENERAL EDUCATION APPROPRIATIONS FROM THE SPECIAL EDUCATION TRUST FUND BE REPORTED OUT OF THE COMMITTEES AND ACTED ON WITHIN A PRESCRIBED PERIOD.**

WHEREAS, the efficient operation of state government has been impeded, and much confusion and unnecessary expense to the taxpayers have been caused by the late action of the Legislature on budget matters; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in all regular sessions of the Legislature the general fund budget and the education budget must be reported out of the Finance and Taxation Committee of the Senate and out of the Ways and Means Committee of the House within five legislative days from the date it is received by the respective committees of each body, and such bills must be voted on by the respective houses not later than five legislative days from the time the committee reports are rendered. Provided, however, that during any special session the five day period prescribed herein shall be cut to two days.

**BE IT FURTHER RESOLVED,** That for each day beyond the prescribed period for action stipulated herein that no action is taken each member of the various committees or the entire body of the respective houses, as the case may be, shall receive no salary, pay, expense allowances or other compensation, regular or special, of any kind whatsoever for their services.

Which was read and referred to the Standing Committee on Rules.

Mr. Baker then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 8. ELIMINATING THE RIGHT TO OFFER SUBSTITUTE BILLS WHEN THE SUBJECT MATTER PERTAINS TO THE APPROPRIATIONS FROM THE STATE GENERAL FUND OR TO THE GEN-**

**ERAL EDUCATION APPROPRIATIONS FROM THE SPECIAL EDUCATION TRUST FUND; REQUIRING SEPARATE AMENDMENTS TO CHANGES.**

WHEREAS, the offering of substitute bills to the general budget and the education budget causes much confusion and misunderstanding, and extends the chance of error and fiscal irresponsibility; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That during either the regular or special sessions, no substitutes to the general fund budget or to the education budget shall be accepted by the House or the Senate and any proposed change to such bills must be offered by separate amendments.

BE IT FURTHER RESOLVED, That no conference committee on the general fund budget or on the education budget shall accept nor shall they offer substitutes thereto, and any proposed change submitted by the committee must be by separate amendments.

Which was read and referred to the Standing Committee on Rules.

Mr. Baker then offered the following Senate Joint Resolution, to-wit:

**S. R. 9. REQUIRING THE GENERAL APPROPRIATIONS FROM THE STATE GENERAL FUND AND THE GENERAL EDUCATION APPROPRIATIONS FROM THE SPECIAL EDUCATION TRUST FUND BE REPORTED OUT OF COMMITTEE AND ACTED ON WITHIN A PRESCRIBED PERIOD.**

WHEREAS, the efficient operation of state government has been impeded, and much confusion and unnecessary expense to the taxpayers have been caused by the late action of the Legislature on budget matters; now therefore

BE IT RESOLVED BY THE ALABAMA SENATE, That in all regular sessions of the Legislature the general fund budget and the education budget must be reported out of the Finance and Taxation Committee within five legislative days from the date it is received by the committee and must be voted on by the Senate not later than five legislative days after the Finance and Taxation Committee report is rendered. Provided, however, that during any special sessions the five day period prescribed herein shall be cut to two days.

BE IT FURTHER RESOLVED, That for each day beyond the prescribed period for action stipulated herein that no action is taken each member of the committee or the entire Senate body, as the case may be, shall receive no salary, pay, expense allowances or other compensation, regular or special, of any kind whatsoever for their services.

Which was read and referred to the Standing Committee on Rules.

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

**S. J. R. 10. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.**

WHEREAS, due to the trying times and the harrassment and danger to elected officials, the Legislature of Alabama feels that there is a need that they be furnished security along with other elected officials; and

WHEREAS, the members of the Legislature of the State of Alabama are in session every year and numerous people from all walks of life

visit the Capitol of the State of Alabama and are allowed to come and go at will; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that it desires the Department of Public Safety to furnish such security as is necessary to insure the safety of the members of the Legislature and provide the order necessary to carry out the legislative duties.

BE IT FURTHER RESOLVED That the Clerk of the House of Representatives is instructed to deliver a copy of this resolution to the Director of the Department of Public Safety.

Which was read and referred to the Standing Committee on Rules.

Mr. Torbert then offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. Joint resolution establishing Alabama Council on Historic Pilgrimages.

WHEREAS, the State of Alabama is blessed with an outstanding collection of buildings of architectural and historic significance to both the state and the United States and,

WHEREAS, the preservation and display of these buildings is to the benefit of the state, its travel and tourist industry, and

WHEREAS, there exists a definite need in the state of Alabama to coordinate the dates of the existing and proposed future historic land mark pilgrimages, and to coordinate the necessary publicity and promotional efforts required in connection with said pilgrimages, and

WHEREAS, there already exists in the state of Alabama a state agency known as the Alabama Historical Commission, which said commission is fully qualified to provide the necessary general supervision of the actions of such a council.

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses concurring, that there is hereby created the Alabama Council on Historic Pilgrimages, the same to be established under the auspices of the Alabama Historical Commission, a state agency, said council having the purpose of coordinating the efforts of each of the existing and proposed historic pilgrimages in the state of Alabama, whether publicly or privately sponsored.

BE IT FURTHER RESOLVED THAT said council shall consist of seven individual members, one being appointed from each of the six districts of the state as the same shall be established by the Alabama Historical Commission, and one being a representative of the Alabama Historical Commission. Additionally, there shall be two ex officio individual members, one representing the Alabama Travel Council and one representing the State Bureau of Publicity and Information.

BE IT FURTHER RESOLVED that the individual members of the Alabama Council on Historic Pilgrimages who represent the six above described districts shall each be appointed, initially, by the Alabama Historical Commission, and three of the initially appointed members shall serve for terms of one year with the other three serving for terms of two years each. Subsequent to the initial appointment, future individual members of the council shall be named for terms of two years each, and such future members of the council shall be named by the member historic pilgrimage organizations within the district represented by such council member. The Alabama Council on Historic Pilgrimages shall have the authority to establish such policies as it deems necessary for the carrying out of its purposes and to admit as general non-voting

members of the council such organizations in the state of Alabama, engaged in the business of historic pilgrimages, as it may, in its discretion, determine.

BE IT FURTHER RESOLVED that said council shall have among its duties, the duty to work closely with the Alabama Travel Council and the State Bureau of Publicity and Information and that such organizations shall, themselves, provide assistance and advice to the Alabama Council on Historic Pilgrimages.

Which was read and referred to the Standing Committee on Rules.

Mr. McDonald (A) offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. TO FIX A DAY FOR HOLDING THE ELECTION ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1975 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS several amendments to the Constitution of Alabama were proposed during the 1975 Regular Session of the Legislature, and the Acts or resolutions proposing such amendments provided for the submission thereof at an election to be held on the first Tuesday after the expiration of three months from the final adjournment of such session of the Legislature; and

WHEREAS the Legislature is now in session and bills proposing amendments to the Constitution have or may be introduced and passed at this session; and

WHEREAS it will be unnecessarily costly to hold two special elections on proposed amendments to the Constitution within a short time and would save much money to have only one election at which amendments proposed at the Regular Session and the Fourth Special Session of 1975 could be submitted to the voters; and

WHEREAS the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the Act or resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a redesignation of a day appointed for holding the election on the constitutional amendments proposed at the 1975 Regular Session of the Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon each of the amendments proposed during the 1975 Regular Session of the Legislature which provided for the submission thereof at a special election to be held on the first Tuesday after the expiration of three months from the final adjournment of such 1975 Regular Session of the Legislature shall be on the same day fixed for submitting amendments proposed at the Fourth Special Session of 1975, namely, the first Tuesday after the expiration of three months from the final adjournment of the current Fourth Special Session.

RESOLVED FURTHER That no election shall be held on the first Tuesday after the expiration of three months from the final adjournment of the 1975 Regular Session of the Legislature on any amendments proposed during such regular session though the Act or resolution proposing

such amendment directs the holding of the election on such date; but instead such amendments shall be submitted at an election to be held as provided in the foregoing paragraph.

**RESOLVED ALSO** That notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stewart:

S. 1. To amend Act No. 425, H. 997, of the Regular Session of the Legislature, 1975, approved on September 18, 1975, which creates an Industrial Development Authority for Calhoun County. To amend Section 1 of said Act, providing for the members of said Authority.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 2. To create a civil service board for the City of Gadsden, Alabama, providing for the composition of the board and terms of office, providing for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### SYNOPSIS

This bill creates a civil service board for the City of Gadsden, Alabama.

#### A BILL TO BE ENTITLED AN ACT

To create a civil service board for the City of Gadsden, Alabama, providing for the composition of the board and terms of office, providing



for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. All members of the police department and the fire department and the chiefs of such departments in the City of Gadsden, Alabama shall be governed by the civil service board as hereinafter provided.

Section 3. The following words and phrases, when used in this act, unless a different meaning is plainly recorded by the context shall have the following meanings:

1. The words "members of the police department" shall include all officers, patrolmen, detectives, wardens, the clerk of the police court, and the clerk or secretary of the chief of police.

2. The words "members of the fire department" shall include the assistant chiefs of the fire department, captains, lieutenants, engineers, assistant engineers, and firemen, and all others who are regularly carried on the payroll of such fire department, except hostlers and helpers, and others as such board may find and designate to property be such members, respectively.

3. The word "patrolman" shall mean and apply to all motorcycle officers, drivers of automobiles used by the police department, and all other members of the police department below the grade of sergeant but shall not include detectives.

4. The word "board" shall mean and apply to all members of the City of Gadsden Civil Service Board.

Section 4. Members of the Board and Term of Office.

The board shall consist of five (5) members to be designated as follows: The President of the Gadsden Metro Chamber of Commerce, the President of the Etowah County Bar Association, the President of the Gadsden AFL-CIO Labor Council, one member to be appointed, upon the recommendation of the Commissioner of Public Safety for the City of Gadsden, by the majority vote of the Gadsden City Commission, and one member to be appointed by a joint majority vote of the members of the City of Gadsden Police and Fire Departments. Each member, once elected president of his or her respective organization, shall serve on the board for a three year term and shall begin upon the expiration of the respective terms of office of the present board members. The President of the Gadsden Metro Chamber of Commerce shall take office upon the expiration of the term of Charles Paler whose term expires on June 30, 1976; the President of the Etowah County Bar Association shall take office upon the expiration of the term of Curtis Wright whose term expires on June 30, 1977; and the President of the Gadsden AFL-CIO Labor Council shall take office upon the expiration of the term of Jack Williams whose term expires June 30, 1978. In the event one of the before mentioned presidents is not a natural resident and qualified voter of city to which this act applies, the appointment shall follow the line of succession in said organization until a certified successor is found. The two additional members provided by this act shall both begin their three year terms of office on January 1, 1976. Persons in the following categories may not be appointed by either the city commission or the members of the city police or fire departments:

1. A former member of the city commission.
2. Any person holding any office of profit under the city, county or state.
3. Any person who is not a natural resident and qualified voter of the city.
4. Any person related by blood or marriage within the fourth degree to any member of the city commission or any present employee of the city police or fire department at the time of appointment.
5. A former member of either the city police or fire department.

Section 5. Appointment of Police and Fire Chief. Immediately upon the death, resignation, retirement, or removal otherwise by the Gadsden Civil Service Board of the present police and-or fire chief(s), the board shall furnish to the Gadsden Commissioner of Public Safety a list of three names standing highest on the eligible list for the office of police chief, and-or a list of three names standing highest on the eligible list for the office of the chief of the fire department. The ranking of those eligible for promotion shall be in accordance with the provisions of this act hereinafter stated in Section 14. The Gadsden Commissioner of Public Safety shall choose from the lists furnished him one person to serve as chief of the fire department, and-or one person to serve as chief of the police department, provided that the commissioner is hereby prohibited from appointing any person whose name is not submitted by the board. The Gadsden Commissioner of Public Safety shall be responsible for the information of public policy that will be in the best interest of the safety and general welfare of the citizens of the city, and each chief selected shall be responsible to said commissioner for the carrying out of that policy. The chief of each respective department so selected or appointed shall serve a probationary period from the time of selection or appointment for a period of six (6) months, and if said Commissioner during said time is of the opinion that the chief of each respective department so selected or appointed is not faithfully executing his duties in carrying out said policy, said Commissioner is hereby given the authority to remove or discharge such chief, provided, however, in the event of removal or discharge during said probationary time, the chief so discharged or removed shall be reinstated in the position previously occupied in said department before assuming the duties of chief, and shall be given credit for time served as chief towards any rights that may occur for seniority and retirement benefits. In the event of removal or discharge during the stated probationary time, said Commissioner shall appoint or select from the list previously furnished by the board a replacement to the chief so removed or discharged. After the expiration of the six month period, the appointment or selection shall become final, and said Commissioner cannot remove or discharge said chief without the approval or consent of the board. In the event of discharge or removal after the expiration of the six months period, the chief so removed or discharged shall have the same rights as given the members of the police and fire departments in Section 11.

#### Section 6. Duties of Police and Fire Chief.

The duties of the chief of the fire department and the chief of the police department shall have the overall responsibility for the efficient operation of each respective department. In order to carry out said responsibility the chief of each respective department is hereby given the authority to remove, discharge, demote, or discipline as reasonable under the circumstances, any employee or member of said department who is subject to the provisions of this act, provided, however, that such removal, discharge, demotion, or disciplinary action is based on one or more of the grounds set forth in Section 9 and 10 of this act,

and provided further, that such action meets with the consent and approval of the board. In the event the employee or member is discharged, removed, demoted, or disciplined, then such employee or member shall have the right to present his case before the board, and, if necessary, appeal the decision of the board all as outlined in Sections 11 and 12 of this act.

**Section 7. Limit on Rules to be Enacted by the Board.** The board shall not adopt any rules for the carrying out of the provisions of this act except the board may fix the times for its regular meetings, and may hold special or adjourned or called meetings at any time. Otherwise, the board shall be bound by the provisions of this act in making a determination of each issue or issues presented to it.

A majority of the members of the board shall constitute a quorum for transaction of business. All meetings of the board shall be held in the city hall and the board shall keep minutes of its meetings and a record of all business transacted by it, and said records shall be open for inspection by any resident of the city at reasonable times.

**Section 8. Oath of Office.**

Every person who becomes a member of the board under the provisions of this act shall within fifteen days thereafter qualify by making oath that he is eligible for said office and will execute the duties of same according to his best knowledge and ability. Such oath shall be administered by any person authorized to administer such oaths, or by any member of the city commission, and a copy thereof filed with the city clerk.

**Section 9. Grounds for Removal, Discharge, Demotion, or Any Other Type or Kind of Reasonable Disciplinary Action of Any Employee or Member of the Fire Department.**

Any member or employee of the fire department of the city who shall be guilty of any one or more of the following offenses shall be subject to discharge, removal, demotion, or any other type or kind of reasonable disciplinary action as determined by the chief of said department with the consent and approval of the board:

- (a) Absence without leave
- (b) Neglect of Duty
- (c) Incompetency or inefficiency in the service
- (d) Disobedience of any lawful rule, order or direction of his superior, or refusal to obey such rule, order or direction
- (e) Intoxication while on duty
- (f) Conduct unbecoming an officer or employee of the city
- (g) Insubordination
- (h) Using profane, coarse, abusive, or disrespectful language to the public or to any officer or employee of the city
- (i) Disorderly conduct while on or off duty
- (j) Any criminal act
- (k) Shaking dice, card playing, or gambling with any instrument or device for money or any article of value
- (l) Allowing women of questionable character around quarters

(m) Refusing or neglecting to pay any just and honest debts

(n) Being under the influence of drugs not medically prescribed

Section 10. Grounds for Removal, Discharge, Demotion or Any Other Type or Kind of Disciplinary Action as Determined by the Chief of the Police Department With the Consent and Approval of the Board of Members and Employees of the Police Department.

Any member of the city police department who shall be guilty of any one or more of the following offenses shall be subject to removal, discharge, demotion, reprimand, suspension, forfeiture of pay, or any other type or kind of disciplinary action as determined by the chief of said department with the consent and approval of the board:

(1) Cowardice. Failure to support fellow officer in performance of duties or leave scene where crime is being committed.

(2) Willful disobedience of rules or orders.

(3) Being under the influence of liquor.

(4) Drinking any kind of intoxicating liquor while on duty.

(5) Willful maltreatment of a prisoner or any other person.

(6) Conduct unbecoming a police officer.

(7) Insubordination or disrespect towards a superior officer.

(8) Neglect of Duty.

(9) Inattention to duty.

(10) General Incompetency.

(11) Sleeping on duty.

(12) Lounging on post.

(13) Being absent from duty without permission.

(14) Absent from post without proper reason.

(15) Using coarse, profane or insolent language to a superior officer or to any member of the department or to a citizen.

(16) Not properly patrolling or guarding a post.

(17) Making a false statement.

(18) Neglecting to wear proper uniform while on duty.

(19) Receiving bribes in money or other valuable items.

(20) Receiving or accepting any fee, reward or gift of any kind from any person arrested or from any friend in his behalf while in custody, or from any person for services rendered or pretended to be rendered as a member of the department.

(21) Gossiping about a member of the department concerning his personal character or conduct to the detriment of such member.

(22) Publicly criticizing orders given by a superior officer.

(23) Communicating or giving police information to any person concerning the business of the department to the detriment of the department.

(24) Communicating any information which may aid a person to escape, or to delay the apprehension of a criminal, or secure the removal of stolen or embezzled goods or other property or money.

(25) Refusing to give number of badge, or name when requested.

(26) Neglecting to furnish persons arrested with a receipt for all personal property taken from them.

(27) Neglecting to turn all property taken from persons arrested, or found, or seized, to the proper officer without unnecessary delay.

(28) Ignorance of rules or orders.

(29) Using a revolver except in extreme cases.

(30) Being under the influence of drugs not medically prescribed.

Section 11. Procedure in Event a Party is Aggrieved at Any Action or Decision Pertaining to Removal, Discharge, Demotion, or Any Other Type or Kind of Disciplinary Action.

In the event the chief of the police department, the chief of the fire department, provided said chiefs have served out a six months probationary period as chief, or any other member or employee of the police departments as defined herein is removed, discharged, demoted, or in any other manner disciplined, the aggrieved party is hereby given the authority to file a written notice with the board of such grievance, provided, however, such written notice is filed within five days from the date of the order of discharge, removal, demotion, or any other type or kind of disciplinary action. The board shall perform an investigation within 60 days of the receipt of the grievance. Within five days of the completion of the investigation, a hearing shall take place, and the chairman of the board shall notify the parties involved of the date of a public hearing at which time each side will be given an opportunity to present its case. The chief of each respective department shall have the authority to suspend any member in said department pending said public hearing. At such hearing, the legal rules of evidence shall not be binding and same shall be held informally for the purpose of arriving at a just decision. At all proceedings before the board, the city attorney may appear and represent the interest of the city when ordered to do so by the board. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the prosecution and any attorney secured by the accused shall be allowed to represent the accused. Any person may be served with a subpoena to appear and testify, or to produce books and papers relevant to such investigation before the board, such subpoena to be issued as subpoenas are now issued and provided for in the circuit courts in this state; and anyone who shall refuse or neglect to appear and testify or produce such books and papers relevant to such investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misdemeanors are punished in the State of Alabama. The fees for witnesses for attendance and travel shall be the same as fees for witnesses before the circuit courts of this state and shall be paid from the treasury of the city if affected. After hearing the evidence, the decision of Board shall be given in writing to the accused, and shall be spread on the minutes.

Section 12. Appeals from Decisions from Board.

An appeal may be taken from any decision of the board in the following manner: Within ten days after any final decision of such board, any party, including the governing body of the city, feeling aggrieved at the decision of the board, may appeal from any such decision to the circuit court of the county. Upon the filing of any such appeal notice

thereof shall be served upon any member of the board, and a copy of said notice shall be served upon the appellee or his attorney, by the appellant. Such appeal shall be heard at the earliest possible date by the court sitting without a jury unless a jury is demanded by the appellant at the time of filing his notice of appeal or by the appellee within ten days after notice of appeal has been served upon him. In event either party demands a jury as provided above, the appeal shall be heard at the next regular jury term of court and shall have priority over all other cases. No bonds shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant upon any member of the board and upon the appellee as herein provided for above and also by filing a notice and request for an appeal with the clerk of the circuit court. It shall not be necessary to enter exceptions to the rulings of the board, and the hearing of the appeal shall be a trial de novo. An appeal may be taken from any judgment of the circuit court to the court of appeals or the supreme court as now provided by law.

### Section 13. Applications for Positions. Examinations:

All applicants for a place or position on the police force or fire department, as the case may be, shall file their application in writing with the board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States regardless of sex, race, color, creed, or previous conditions of servitude, with specified limitations as to age, residence, health, habits and moral character. No person shall be eligible to take said examination who is not a citizen of the United States, or who has ever been convicted of a felony, or who does not possess good moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

The board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every application for examination shall pay to the city clerk the sum of ten dollars (\$10.00) and the receipt thereof shall be attached to his application.

Section 14. Procedure in the Event of Vacancies. The chief of police, as far as such police department be concerned, and the chief of the fire department, as far as such fire department is concerned, shall notify the board within five days of the occurrence of any vacancy in the ranks of patrolmen, or firemen, respectively, and the board shall furnish the respective chiefs with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of taking office (such appointments include officers and chief). Before the expiration of probation, the chiefs of the fire and police departments, respectively, may with the consent of the board, discharge any probationer in his respective department upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete and final. Candidates for chief of the police and fire department shall meet the following qualifications:

- a. Minimum rank of lieutenant in the particular department.
- b. Minimum of twelve years service.
- c. Three years service in an administrative and/or supervisory capacity.

d. Must be one of the three names standing highest on the eligibility list, as submitted by the board to the City of Gadsden Commissioner of Public Safety.

e. The fire chief appointee shall have had at least 200 hours of classroom and/or fire ground training.

f. The police chief appointee shall have a two year degree or above in law enforcement in an accredited institution and/or be a graduate of a recognized police academy.

Promotions to fill vacancies or new jobs shall be filled on the basis of seniority under the following conditions:

1. Competency being equal, seniority shall prevail in the police and fire departments each considered as a separate department for the purpose of seniority. In determining competency the following factors shall be considered:

(a) Ability to perform the work as determined by written test results

(b) Physical fitness and suitability

(c) Past record with the department

(d) Character and moral standing of the applicant.

2. Only where the foregoing factors are relatively equal shall seniority be the determining factor in promotions.

The board shall require that examinations for promotion be held at least once a year, and the board shall be responsible for publishing the eligibility list at least once each year.

#### Section 15. Emergency Appointment.

The board may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the board of commissioners of the city the existing conditions demand. All officers so appointed shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "special officer" across the face of them in large letters. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. It shall be unlawful for any person to have in his possession any such commission or any badge of a police officer of such cities unless same has been issued to him by the board.

#### Section 16. Seniority to Prevail in Shift Changes in Police Department.

Seniority shall prevail as to shift changes in the divisions of various departments in the police department as follows:

##### A. Uniformed Patrol Department.

1. Patrolmen considered as a division.

2. Sergeant considered as a division.

3. Desk Sergeants considered as a division.

4. Lieutenant considered as a division

5. Captain considered as a division.

B. Traffic Department

1. Patrolmen considered as a division.

2. Sergeant considered as a division.

3. Lieutenant considered as a division.

4. Captain considered as a division.

C. Detective Bureau

1. Detective considered as a division.

2. Vice Squad considered as a division.

3. Lieutenant of detectives considered as a division.

4. Chief of detectives considered as a division.

The following personnel shall be exempt from the above provisions and shall be assigned to shifts by the chief of police for the convenience of the public and general efficiency of the police department:

1. Record Clerk

2. Secretary to the Chief of Police

3. Superintendent of identification

4. Meter Repair Specialist

5. Recorder Court Sergeant

6. Traffic Court Clerk

7. Radio Operator

8. Motorcycle Officers.

Section 17. Promotions.

A. The chief of police and the chief of fire department, shall from the membership of their respective departments, recommend for promotion to the civil service board members, such person or persons who have qualified themselves by passing a promotional examination administered by the members of the said civil service board. There will be a total number of one hundred twenty-five (125) questions asked on said examinations. A passing grade will be 70% of total answers answered correctly out of the one hundred and twenty-five. A score less than 70% of the total answers answered will be a failure of the examination. The promotional examinations for all ranks in the police department will be taken from the contents of the city code concerning law enforcement on crimes and offenses. The State of Alabama code concerning law enforcement on crimes and offenses and those rules and regulations governing the city police department. As the case may be for the city fire department members examination, those rules and regulations governing the overall operation of the fire department, the city code concerning the fire department, fire prevention rules and regulations, equipment, tools and apparatus.

B. Those members of the police department and the fire department who have become eligible for promotion from being examined by the above rules must have served one (1) year in his present rank before being considered further.



C. Every applicant for examination shall pay to the city clerk the sum of two dollars (\$2.00) and the receipt thereof shall be attached to his application.

D. No member of the police department or the fire department will be "double promoted" except in the case of the police and fire chiefs, that is, no member shall jump the line of rank from sergeant, or in the case of the fire department, driver, lieutenant, captain, assistant chief to chief of the respective department.

E. The chief of police, or in the case of the fire department, the chief of fire department in their departments respectfully, will follow the above rules of this section for promotions to assistant chief. The chief of police, or in the case of the fire department, the chief of fire department will recommend to the civil service board, the name of the captain standing highest in his application for assistant chief promotion. If all qualifications and interviews are equal seniority shall prevail for promotion.

F. In order to be eligible to take the promotional examination for sergeant or detective in the police department, a patrolman must have had a minimum of one year of service.

To be eligible for the lieutenant examination one must first be promoted to a sergeant or detective.

To be eligible for the captain examination one must first be promoted to a lieutenant.

To be eligible for the assistant chief examination one must first be promoted to a captain.

G. In order to be eligible to take the promotional examination for driver, one must have had a minimum of one year of service as a fire fighter.

To be eligible for the lieutenant examination one must first be promoted to a driver.

To be eligible for the captain examination one must first be promoted to a lieutenant.

To be eligible for the assistant chief examination one must first be promoted to a captain.

H. The qualifications for chief of the fire or police departments are listed supra, in Section 13 a, b, and c of this act.

#### Section 18. Credit for Previous Service.

All members of the police department and fire department shall be given credit for all accumulated seniority for previous service up to the effective date of this provision, except that periods of interruptions shall not be taken into account in determining length of service. All future accumulated seniority shall be added to his or her past seniority which will determine total seniority. If a member of the police department or fire department is discharged for cause or resigns his or her position with the department and at a later date is reemployed, he or she shall begin as a new employee, for seniority purposes.

The police chief and the fire chief shall canvass all records of the departments concerned and make an accounting of each member's seniority standing and post a list on the bulletin board or furnish each member a copy of the entire department concerned. Once a year a review shall be made of the seniority list and brought up to date.

### Section 19. Temporary Transfers.

Relative to temporary transfers from the fire department or police department

A. That any person transferred out of the police or fire department to any other job not subject to the civil service act shall cease to be subject to the civil service act as of the date of the transfer.

B. Any temporary transfer to a job outside the police or fire department shall cease to be subject to the civil service act and jurisdiction of the board, but shall be permitted to return to his job in the police or fire department without loss of any rights if he returns within 120 days of said change or transfer.

C. To be temporary, such transfers shall not exceed a period of ninety (90) days in any one calendar year.

D. Any person now occupying such temporary position outside the department may exercise his right to return to his position in the police or fire department within ninety (90) days of the date of this rule, without loss of any rights.

### Section 20. Charges By Other Persons.

Charges may also be preferred by any citizen or other person against any member of the fire or police department. Such charges must conform to the foregoing rules and be in writing and verified by affidavit, and two copies of such charges together with a list of the names and addresses of the prosecutor's witnesses must be filed with the board. Charges not conforming to the foregoing rules will not be considered by the board.

### Section 21. Solicitation of Political Contributions Prohibited.

No officer or employee of any police or fire department shall solicit orally or by letter or otherwise, or receive or be in any manner concerned in soliciting or receiving any assessment or subscription or contribution for any candidate, political party or political purpose whatsoever, provided however, that this section shall only apply to City of Gadsden elections, and State of Alabama elections where state constitutional officers and members of the Legislature are elected.

No officer or other member of the police or fire departments, or any other person, shall in any wise undertake or threaten to degrade, discharge or promote, or in any manner change the official rank or pay of any officer or employee, or promise to threaten to do so, for giving, or withholding or neglecting to make any contribution of money or valuable thing for any party or for any political purpose whatsoever. No employee of the police or fire department shall receive any promotion as a reward for his support of any candidate or political party. No employee of either department shall be reduced in rank or pay as punishment for his failure to support any candidate for political office.

Any person in the service of the city by appointment who shall willfully or through culpable negligence, violate any of the provisions of this Section and who shall be found guilty after a trial before the board, shall be dismissed from the service of the city, and shall not be subject to reappointment for two years. Any officer or employee of the city other than those holding office under the civil service rules who shall willfully or through culpable negligence, violate any of the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), unless same be otherwise provided therein, and the office so held by such person, by force of such

conviction shall be rendered vacant, and such persons shall not again be allowed to hold any office or place of employment under the city thereafter for two (2) years. Any other person who shall willfully, or through culpable negligence violate any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars (\$50.00) and not exceeding five hundred dollars (\$500.00).

#### Section 22. Bond Required.

No applicant for a position on the police force who has fulfilled all other requirements of this act and been appointed to a position as a member of the city police department shall enter upon the discharge and performance of his duties as a member of such police department until he has filed with the city clerk a bond conditioned according to the law relating to official bonds, in the following penal sums: chief of police, assistant chief of police, and all other members of the police departments one thousand dollars (\$1,000.00) each. Unless such bond is furnished by such appointee as above prescribed, within ten days from the date he is appointed by the board his appointment shall be vacated by said board unless said board for good cause shown shall grant said appointee additional time not to exceed ten additional days within which to procure the execution of such bond and file same; the bonds of such officers shall be paid for by the city employing them.

#### Section 23. Compensation to be Paid Members of Board,

Each member of the board shall be entitled to the total sum of \$25.00 each time said board meets for the purpose of transacting business, said sum to be paid from the city general fund.

Section 24. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. All laws or parts of laws which conflict with this act are repealed.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Gilmore:

S. 3. To fix supplemental salaries for each circuit clerk and each deputy circuit clerk elected by the people in counties having a population of not less than 600,000 according to the most recent Federal decennial census.

Committee on Local Legislation No. 2.

By Mr. Waldrop:

S. 4. Relating to Etowah County, Alabama; to require use of a micro-filming process in lieu of hiring additional assistants or clerical help for the completion and preparation of the list of qualified voters which the judge of probate is required to furnish the election inspectors by Title 17, Section 55, 1940 Code of Alabama, as last amended; to require an annual appropriation by the Etowah County Commission to the Etowah County Health Department.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF ETOWAH**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Etowah County, Alabama to require use of a micro-filming process in lieu of hiring additional assistants or clerical help for the completion and preparation of the list of qualified voters which the judge of probate is required to furnish the election inspectors by Title 17, Section 55 1940 Code of Alabama, as last amended; to require an annual appropriation by the Etowah County Commission to the Etowah County Health Department.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Etowah County, Alabama.

Section 2. In lieu of the probate judge's being authorized to hire additional assistants and clerical help for the completion and preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors by Title 17, Section 55, 1940 Code of Alabama, as last amended, a micro-filming process must be used; and the Etowah County Commission shall pay the actual cost of such micro-filming and no more.

Section 3. The final budget of the Etowah County Commission for each fiscal year shall appropriate to the Etowah County Health Department a sum equal to the amount obtained by multiplying the number of names on each such list during the preceeding fiscal year by five cents.

Section 4. All laws in conflict with this act are hereby repealed.

Section 5. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Perloff:

S. 5. Relating to counties having a population of not less than 300,000 nor more than 600,000; providing for the compensation of the presidents of Law Enforcement Associations and the presidents of Firefighters Associations while such presidents are engaged in certain association business.

Committee on Local Legislation No. 1.

By Mr. Stewart:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Committee on Local Legislation No. 1.

By Mr. Givhan:

S. 7. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Committee on Local Legislation No. 1.

By Messrs. Mims and Givhan:

S. 8. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint and prescribes certain requirements under which paint is sold or offered for sale.

Committee on Agriculture.

By Mr. Bank:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Givhan:

S. 10. Relating to the Fourth Judicial Circuit; providing for an additional circuit judge in such circuit; defining his jurisdiction, powers, right and authority; prescribing his qualifications and duties; setting his compensation and providing for the appointment of a bailiff and court reporter.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 11. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to

the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 626, H. 815, approved September 8, 1967, is hereby amended to read as follows: "The Board of Revenue or other like Governing body of Cherokee County, Alabama, is required, authorized, and empowered to provide sufficient clerks, deputies and assistants to the following named officers of Cherokee County, Alabama: Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge, Sheriff and Deputy Solicitor.

Each of the foregoing named officers shall select their respective clerks, deputies and other assistants and shall fix their compensation subject to the prior approval of the Board of Revenue or other like Governing body of Cherokee County, Alabama.

Each of the foregoing named officers shall have the right to discharge their respective clerks, deputies and assistants at will. The salary or compensation of each of the clerks, deputies and assistants shall be paid in equal monthly installments out of the General Fund of Cherokee County, Alabama, upon separate Warrants drawn in the same manner as other employees of Cherokee County, Alabama, are paid.

Section 2. Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243) as amended, is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, Gail Wynn a Notary Public in and for said county in said state personally appeared Joe M. Shaw, Jr. who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of Notice of Local Bill as published in said newspaper once a week for 3 consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE M. SHAW, JR.

Sworn to and subscribed before me this 3rd day of Nov., 1975.

GAIL WYNN,  
Notary Public.

By Mr. Little:

S. 13. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

By Mr. Torbert:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Committee on Local Legislation No. 1.

By Messrs. Torbert and Little:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Committee on Local Legislation No. 1.

By Messrs. Little and Torbert:

S. 17. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Committee on Local Legislation No. 1.

By Messrs. Little and Torbert:

S. 18. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and



election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such print-out sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 20. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; providing for a public defender to represent indigents in the county District Courts and fixing his salary therefor, in such counties.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Committee on Local Legislation No. 1.

By Mr. Little:

S. 22. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 23. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census, providing for a juvenile court attorney to provide legal assistance to probation officers in juvenile court and to represent the State of Alabama in juvenile delinquency adjudication hearings in county district courts and fixing salary therefor, in such counties.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Committee on Local Legislation No. 1.

By Mr. McDonald (A):

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Committee on Local Legislation No. 1.

By Mr. McMillan:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Committee on Local Legislation No. 2.

By Mr. Waldrop:

S. 27. Relating to Etowah County, Alabama; according to the most recent federal decennial census; providing a method of issuing motor vehicle tags in such counties by the judge of probate.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Etowah County, Alabama, according to the most recent federal decennial census; providing a method of issuing motor vehicle tags in such counties by the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Etowah County, Alabama. The Probate Judge of Etowah County shall issue motor vehicle license tags by mail, using the United States Post Office, or its successor, upon the written application of a resident-owner of such motor vehicle signed by such owner requesting the judge of probate to issue the same by mail.

Section 2. The judge of probate issuing motor vehicle license tags under the provisions of this act shall collect, prior to issuing the same, all taxes, fees and other charges as may be required by law to be collected by the judge of probate, tax collector, or such other charges on motor vehicles and motor vehicle license tags, and he shall remit the same to such official charged by law with the duty of collecting such taxes, fees and other charges for distribution in accordance with law; and in addition thereto the judge of probate shall collect a handling and mailing fee in such amount as the county governing body may deem necessary to cover the county's expenses involved in providing this mail order service. The judge of probate shall pay this handling and mailing fee into the county treasury to the credit of the general fund.

Section 3. All costs of such mailing service conducted under the provisions of this act shall be paid by the county governing body, including forms, supplies, postage and such clerical help as might be required.

Section 4. The judge of probate issuing license tags under the provisions of this act shall be authorized to sign the assessment sheet or such other tax form as might be necessary on behalf of the taxpayer and such taxpayer shall be bound thereby as if he had signed the same in person.

Section 5. Any motor vehicle owner making written request for mail services under the provisions of this act shall be deemed to have appointed the United States Post Office Department, or its successor, as his agent for purposes of delivery of such license tag, and the license tag shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a United States Post Office, or its successor, by the judge of probate issuing the same.

Section 6. The judge of probate issuing motor vehicle license tags under the provisions of this act shall prescribe such rules and regulations for application of such license tags as he may deem reasonably necessary and may also issue notices to prior year motor vehicle licensees by mail with prepaid application forms stating the amount of taxes, fees and other charges due.

Section 7. The provisions of this act are cumulative and shall not repeal any special or local law in conflict herewith.

Section 8. Any delay in issuing motor vehicle license tags by mail under the provisions of this act shall be deemed to be the delay of the applicant.

Section 9. This act shall become effective on September 1, 1976.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Waldrop:

S. 28. To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for

the fixing of a scale of wages and salaries; to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said Act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. County roads in Etowah County shall be constructed, repaired, and maintained as a unit without regard to district or beat lines. Section 2. The County governing body shall possess original and unlimited jurisdiction and authority respecting county roads and bridges within Etowah County.

Section 3. The jurisdiction and authority of the county governing body respecting roads and bridges shall not be delegated to nor exercised by any member of the governing body individually; such jurisdiction and authority shall be exercised solely by the governing body in joint session and by instructions to the county engineer appointed by and serving at the pleasure of the county governing body.

Section 4. The county engineer, whose salary shall be fixed by the county governing body, shall hold no other office or employment and shall devote his entire time to the duties of his office. He shall be qualified to practice engineering and surveying in Alabama and shall have had no less than three years experience in the construction and maintenance of highways and shall possess all of the qualifications as specified for County Engineers under the General Laws of the State of Alabama. Said County Engineer shall be appointed by the County

Commission from a nomination made by the State Highway Director. If said nomination is not acceptable to said Commission the State Highway Director shall be requested to make additional nominations, should the State Highway Director refuse, or fail to make nominations, the Commission may fill the positions of County Engineer with any person who has the qualifications herein set out.

Section 5. It shall be the duty of the said County Engineer, (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, and bridges of Etowah County, and he shall have employees for cause, or when not needed, subject to the approval of the county commission; (2) To perform such engineering and surveying services as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the County Highway system; (4) to build, or construct new roads and change old roads, but only when ordered to so by proper order of the County Commission; (5) It shall be his further duty to construct and maintain all county roads on the basis of the County as a unit, without regard to any district or beat lines.

Section 6. The said County Engineer is hereby designated as the person authorized to make written requisition upon the County Commission, or its duly designated purchasing agency, for all articles, materials, supplies and the equipment necessary for the maintenance and construction of roads, bridges, and highways in Etowah County.

Section 7. It shall be the duty of the County Commission to fix, from time to time, in accordance with prevailing economic conditions, the various scale of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, and highways, and said wages or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 8. Before entering upon his duties, the said County Engineer shall make and enter into a surety bond in the amount of ten thousand (\$10,000) Dollars, payable to Etowah County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said County which may come into his possession or custody; said bond to be executed by a surety company authorized and qualified to do business in Alabama, and to be approved by the Chairman of the County Commission; the premiums therein shall be paid by the County.

Section 9. The County Commission shall furnish the County Engineer with an office at the Court House, or elsewhere, at the County seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 10. The County Engineer shall be the custodian of all road tools machinery, supplies and equipment of Etowah County, and he shall be accountable for the same, at all times. The County Commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the County Engineer shall keep on files in his office at all times, an up to date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Etowah County.

Section 11. The authority of said County Engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance, or repairs of public roads, bridges, and highways of Etowah County as may be set aside and appropriated by the County Commission, as hereinafter provided; it shall be the duty of said County Com-

mission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and highways of Etowah County for the current fiscal year, beginning October 1st, which said County Engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and highways in Etowah County during said period; provided however, that said County Commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said County Engineer during said period, when such authorization will not conflict with provisions of the General Law under the Budget Act Title 12, Section 74, of the Code of Alabama as recompiled 1958. And, provided, further that if such funds are presently available, and have not heretofore been set aside by the present County Commission of Etowah County.

Section 12. The County Engineer shall make written requisition to the Chairman of the County Commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges, and highways of Etowah County. Said requisition shall be filed and presented by the Chairman to the Commission at its next meeting for the approval of the Commission.

Upon approval of said Commission, the County Purchasing Agent shall purchase such materials, machinery, equipment, and necessary supplies as provided for in Section 13, Act 432 or Act 829, Acts of Alabama, 1975 Regular Session.

Section 13. It shall be the further duty of the County Engineer to inspect all materials, machinery, equipment, and supplies, purchased by Etowah County for use on public roads, bridges, and highways, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by him.

Sec. 14. The County Engineer, Road Supervisor, and Chairman and Associate Members of the Etowah County Commission, any member of their family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with Etowah County.

The County Engineer, Road Supervisor, and or Chairman and Associate Members of the Etowah County Commission shall not accept anything of value, including a gift, favor or service, bribe or kickback, based on any understanding that the official actions, services, and or decisions of said officials or employees would be influenced thereby or where it could be reasonably be inferred that the thing of value would influence such person(s) in the discharge of his (their) duties. Expenses associated with food afforded such officials or employees when such expenses are in an amount of less than one-hundred dollars (\$100.00) per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section (14) and is found guilty shall be removed from office or position of employment, fined not more than ten-thousand dollars (\$10,000.00) or be imprisoned for not more than ten (10) years or both.

Section 15. In the event that the County Commission determines that it is not practical for the County Commission to employ an Engineer, as hereinabove provided for, then, in that event the County

Commission shall employ a competent Road Supervisor who need not be an engineer, but when so employed, he shall have all the duties and authority of said Engineer, and be subject to the provisions of this Act; it being the intention of this Act to provide that, when the county roads are to be maintained or constructed in said County, the supervision thereof shall be either under a County Engineer, as hereinabove provided for, or, by a Road Supervisor, who is not a member of the County Commission.

Section 16. It shall be the further duty of each member of the County Commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the County Commission with his recommendations; to advise with the County Engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public relations generally.

Section 17. All laws and parts of laws, in conflict with the provisions of this Act are hereby repealed. In no way is it intended by the Legislature of Alabama that this Act shall repeal any provision of Act 432 or Act 829, Acts of Alabama, 1975 Regular Session (Etowah County Budget Control Act of 1975).

Section 18. Should any section, clause, or part of this Act, be declared invalid it shall not affect any other part thereof.

Section 19. This Act shall become effective on October 1, 1976.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Waldrop:

S. 29. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the area which he serves. The term of office of the superintendent of education shall be six (6) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take a leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited professional education equivalent to graduation from a standard university or college, having a master's degree, plus thirty (30) or more semester hours (or the equivalent) of successfully completed study at an accredited institution of higher learning on a graduate level, after having received a master's degree. (The last requirement is commonly referred to as the A A certificate.) Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The superintendent shall also have all duties heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education and the assistant superintendent of education shall be fixed by the county board of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent of assistant superintendent of education.



Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. Act No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. It is intended that the provisions of this act relatively to election of the superintendent shall be in effect at the primary and general election at which the term beginning January 1, 1977 shall be filled.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter Betz, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 14th, July 20th, and July 27th, all in the year 1975.

WALTER BETZ.

Sworn to and subscribed before me 28th July, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Waldrop:

S. 30. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

#### A BILL TO BE ENTITLED AN ACT

Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One half of all fines hereafter paid by persons convicted in the Cherokee County Court of violations of the rules of the road, or laws of this state relating to or regulating traffic or the oper-

ation of motor vehicles upon the highways of this state, in cases filed by any Alabama State Trooper shall be paid into the fine and forfeiture fund of Cherokee County, Alabama, and the remainder shall be paid by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Gail Wynn a Notary Public in and for said county in said state personally appeared Joe M. Shaw, Jr. who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of Notice of Local Bill as published in said newspaper once a week for 3 consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE M. SHAW, JR.

Sworn to and subscribed before me this 3rd day of Nov., 1975.

GAIL WYNN,  
Notary Public.

By Mr. Waldrop:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for

violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Etowah County, Alabama.

Section 2. In lieu of any and all license, privilege or excise taxes heretofore levied by the governing bodies of municipalities located within Etowah County and the Legislature of Alabama, upon the sale, use or consumption, distribution, storing or withdrawing from storage of malt or brewed beverages within Etowah County or any municipalities located therein (including police jurisdictions), there is hereby levied and imposed a privilege license tax of one-half ( $\frac{1}{2}$  cent) cent on each ounce, or fractional part thereof, of malt of brewed beverages (Including draft beer) sold, used, consumed, stored, or withdrawn from storage in Etowah County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this Act (less costs of collection) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

(A) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality having a board of education, all such proceeds from the  $\frac{1}{2}$  cent per ounce privilege license tax shall be distributed according to the following percentages:

20.83 one third per cent ( $\frac{1}{4}$  cent per 12 ozs.) to the Etowah County general unit;

20.83 one third per cent ( $\frac{1}{4}$  cent per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

58.33 one third per cent ( $\frac{3}{4}$  cent per 12 ozs.) to the general fund of the municipality.

(B) For malt or brewed beverages delivery for retail sale outside the City or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds from the  $\frac{1}{2}$  cent per ounce privilege license tax shall be distributed according to the following percentages:

12.50 per cent ( $\frac{3}{4}$  cent) to the Etowah County Board of Education;

20.83 one third per cent ( $\frac{1}{4}$  cent per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

29.16 two third per cent ( $\frac{1}{4}$  cent per 12 ozs.) to the general fund of the municipality:

37.50 per cent ( $\frac{2}{4}$  cent) to the Etowah County general fund.

(C) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds from the  $\frac{1}{2}$  cent per ounce privilege license tax shall be distributed according to the following percentages:

20.83 one third per cent ( $1\frac{1}{4}$  cent) to the Etowah County general fund:

20.83 one third per cent ( $1\frac{1}{4}$  cent per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs:

33.33 one third per cent (2 cent per 12 ozs.) to the general fund of the municipality;

25.00 per cent ( $1\frac{1}{2}$  cent per 12 ozs.) to the Etowah County Board of Education.

(D) For malt or brewed beverages delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality not having a board of education, all such proceeds from the  $\frac{1}{2}$  cent per ounce privilege license tax shall be distributed according to the following percentages:

16.66 two third per cent (1 cent per 12 ozs.) to the general fund of the municipality;

20.83 one third per cent ( $1\frac{1}{4}$  cent per 12 ozs.) to the city and county boards of education within Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs.

25.00 per cent ( $1\frac{1}{2}$  cent per 12 ozs.) to the Etowah County Board of Education.

37.50 per cent ( $2\frac{1}{4}$  cent per 12 ozs.) to the Etowah County general fund.

(E) For malt or brewed beverages delivered for retail sale outside the city or town limits and outside the police jurisdictions of all municipalities of Etowah County; all such proceeds from the  $\frac{1}{2}$  cent per ounce privilege license tax shall be distributed according to the following percentages

20.83  $\frac{1}{3}$  per cent ( $1\frac{1}{4}$  cents per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, or repairs;

25.00 per cent ( $1\frac{1}{2}$  cent per 12 ozs.) to the Etowah County Board of Education.

54.16 two third per cent ( $3\frac{1}{4}$  cent per 12 ozs.) to the Etowah County general fund.

(F) All proceeds of the tax levied by this Act, less costs of collection, upon the sale, use or consumption, distribution, storing or withdrawing from storage of draft beer in such counties shall be distributed to the city and county boards of education in such counties, to be divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs.

(G) All proceeds of the tax levied by this Act, less costs of collection, upon the sale, use or consumption, storing or withdrawing from storage of malt or brewed beverages (including draft beer) shall be distributed to said recipients on a monthly basis. All such proceeds must be distributed on or before the 15th day of the month following the month during which it is determined how such proceeds should be distributed according to the locations to which said beverages are delivered for sale, as determined by the distributors and sellers sworn monthly statements.

Section 4. The privilege license tax authorized herein shall be collected by or under the supervision and control of the county commission, board of revenue, or like governing body of such counties (hereinafter referred to as "the commission"), which shall be solely responsible for the administration of this act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and shall provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 5. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

c) In order to enable the commission to make distribution of the net proceeds of the tax as in this act prescribed, each distributor or seller must include in the statement separately the total sales by size of container made within the municipality and the police jurisdiction of each municipality, and the total sales made in the county but outside the police jurisdiction of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable it to make proper distribution of the proceeds of the tax.

Section 6. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within

the county without first having obtaining a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 7. a) It shall be the duty of any person, subject to the privilege license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters: from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person. For inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor punishable according to law.

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the date and information necessary for the determination of the correct amount of the privilege license tax due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the commission to ascertain from such information and data as he may reasonably obtain the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

d) The taxes shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

Section 8. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required:

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or a deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages.

Section 9. a) Collection of the tax shall be accomplished in this fashion:

The commission shall procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this act. The commission shall deduct from the gross amount of taxes collected, at each tax-distribution period, the cost and expense incurred by it in procuring and furnishing the decals or other devices contemplated by this act, the cost of forms and other material hereinbefore provided for, and all other costs of collection, and shall pay over the remaining amount in accordance with the appropriate foregoing provisions hereof. Decals or other devices shall be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefor and payment of the amount of taxes corresponding to the stated value of the decals or other devices that he procures from the commission, less an eight percent (8 percent) discount, provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the proportionate share of the cost of collection and expenses of administration of this act.

Section 10. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the commission shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 11. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes as penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one per cent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 12. All laws or part of laws in conflict herewith, including municipal ordinances, are repealed. The tax hereby imposed supersedes

all previous taxes on malt or brewed beverages relating to Etowah County and all of its municipalities.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective on the first day of the first month following its passage and approval by the Governor, or its

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Waldrop:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amount payable to widows or dependents; and to provide appeals from any decision of said board.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To create a board of trustees of the policemen and fireman's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment



of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the Mayor of the City of Gadsden; the Commissioner of Public Works of the City of Gadsden; the chief of the police department, the chief of the fire department; one first-class patrolman of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one first-class fireman to be elected for a four year term within thirty (30) days after the enactment of this act by simple majority vote of the fire department; all of whom shall serve without compensation. In the event of a vacancy in either of the latter two positions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

All proposed rules and regulations by the board of trustees necessary to carry into execution the purposes for which it was organized and created shall be posted in all police and fire stations in the City of Gadsden at least ten (10) days before said trustees shall consider or take action either in favor or against said rules and regulations.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of twenty-five (\$25.00) dollars per month or such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city, to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. The secretary-treasurer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to

him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund; and provided further that any such delegation of custodial care shall not become effective until written notice of such delegation is posted in all police and fire stations of said city, and after ten (10) days notice thereof an election is held in each of said departments, in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.
2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.
3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized and created, and to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments, in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

This section of the act shall be considered subordinate to Sections 2 and 4 and those sections shall prevail.

1. Upon the recommendation of the Commission of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; and additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police department's pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10 per cent) of the monthly salaries of each member of the police and the fire departments, shall be paid by the city clerk to the secretary-treasurer of the board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from the salaries paid each member. The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions be employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

2. All monies or properties that may be given or donated to said fund by any persons, firm association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining such pictures, report copies, and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city's police department and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city's police department shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police departments' pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10 percent) of the monthly salaries of each member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from said salaries paid each member. The governing body of the said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire department who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon the recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Existing funds and property belonging to or part of any existing similar fund in said city to which this act applies and hereby brought under this act shall be hereafter governed by the provisions of this act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law becoming effective.

Section 7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to forty percent (40 percent) of the total assets of the pension fund in such classes of bonds, mortgages, common and preferred stock or other investments as are allowed by the laws of Alabama to domestic life

insurance companies, or by a majority vote of policemen and firemen up to 100 percent of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments shall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

This section of the act shall be considered subordinate to Section 4 and Section 4 shall prevail.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute books shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicuous place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trustees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such fund shall be charged against the members of said board of trustees.

This section of the act shall be subordinate to Section 4 and Section 4 shall prevail.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seised, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of \$700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing

survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. 1. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired before, on, or after October 1, 1975 as follows:

(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$10,000 a year may have their benefits reduced by thirty percent.

(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$7,500 but less than \$10,000 a year may have their benefits reduced by twenty percent.

(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$5,000 but less than \$7,500 may have their benefits reduced by ten percent.

Provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of Section 12, Subsection 1.

2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, State of Alabama, any county or municipality therein, political subdivision, Board of Education (state or local) or any institution supported in whole or part by government funds (local, state or federal), without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon written application to the board of trustees, therefore shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired members, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years

effective June 1, 1980, may then retire at 55 percent of his or her salary not to exceed \$5,000.00 per year. Also, any person employed on or before June 1, 1975, who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60 percent of his or her salary not to exceed \$6,000.00 per year, in no instance however, may any employee be eligible to retire at 55 percent of his or her salary not to exceed \$5,000.00 per year until or unless on June 1, 1980, he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60 percent of his or her salary not to exceed \$6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) consecutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this Section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstance, this requirement could be waived.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any members thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money hereinafter provided for his, or her, particular position, office, salary, or class of work.

Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later for reason of disability) be paid a retirement benefit of 50 percent of the salary he or she was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1980, shall be paid a retirement benefit of 55 percent of the salary (not to exceed \$5,000.00) he or she was receiving at the time of retirement effective date June 1, 1980. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60 percent of the salary (not to exceed \$6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his, or to her retirement benefit, which he or she is now receiving.



Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the approval, up to a maximum of 20 percent of any increase in salary accorded active members.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant to determine disability and the trustees shall select one and if any dispute, may select a third. After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the findings of the physicians are such that they affirm that the retired disabled member is capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to reinstatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the original petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty per- of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children

shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of any active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100 percent of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100 percent of all amounts he or she has contributed plus an amount equal to 1 percent per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100 percent of all amount he or she has contributed plus amount equal to 2 percent per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefore he may be not less than twenty-one (21) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly

licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identification officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshal or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary - treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date of entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary of compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeals shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the

clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's retirement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

By Mr. Waldrop:

S. 33. Relating to all counties having a population of 90,000 to 100,000, in the most recent Federal Decennial census: To provide for the distribution of fines in certain cases.

Committee on Local Legislation No. 1.

By Mr. Jones:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 35. To amend Section 1, Act No. 763, H. 286 of the 1973 Regular Session (Acts of 1973, Vol. II, p. 1145) providing further for subsistence allowances for law enforcement officers.

Committee on Finance and Taxation.

By Messrs. Gilmore and McMillan:

S. 36. Relating to taxation; exempting the Sertoma International Center for Communicative Disorders of Birmingham, Alabama, from the levy of all state, county, municipal and local sales tax and use tax.

Committee on Finance and Taxation.

By Mr. Ellis:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

Committee on Finance and Taxation.

By Mr. Jones:

S. 38. To make a supplemental appropriation to the Department of Health for the operation of the Medicaid Program for the fiscal year ending September 30, 1976, in the amount of \$4,000,000.00

Committee on Finance and Taxation.

By Mr. St. John:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Committee on Finance and Taxation.

By Messrs. Mims and Givhan:

S. 40. To amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire, designated as weighmasters, by increasing said fee to ten dollars.

Committee on Agriculture.

By Messrs. Mims and Givhan:

S. 41. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$20.00; to provide for the effective date of this Act.

Committee on Agriculture.

By Mr. Givhan:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Committee on Finance and Taxation.

By Mr. Baker:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of

appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Committee on Finance and Taxation.

By Mr. Givhan:

S. 44. To make an appropriation to the Perry County Board of Education to be used for capital outlay purposes for the school located in the Heiberger community in Perry County.

Committee on Finance and Taxation.

By Mr. Baker:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Committee on Local Legislation No. 1.

By Mr. Baker:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Committee on Local Legislation No. 1.

By Mr. Baker:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 48. To appropriate \$1,500,000.00 from the Special Educational Trust Fund in the state treasury for construction, erection and equipping of two buildings at the Chattahoochee Valley Community College.

Committee on Finance and Taxation.

By Mr. Jones:

S. 49. To exempt the Grand Chapter of the Order of the Eastern Star of the State of Alabama from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Committee on Finance and Taxation.

By Mr. Mims:

S. 51. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 52. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

Committee on Finance and Taxation.

By Mr. Mims:

S. 53. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, which Act relates to various expense allowances for state employees so as to provide for increases in subsistence and mileage allowances for such employees.

Committee on Finance and Taxation.

By Mr. Mims:

S. 54. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Revenue Department, Public Service Commission, Industrial Relations Department, Health Department, and Insurance Department.

Committee on Finance and Taxation.

By Mr. Mims:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 56. To exempt certain sports organizations from all state, county and municipal taxes.

Committee on Finance and Taxation.

By Messrs. Noonan, Perloff, Mims and Roberts:

S. 57. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not

exceeding \$10,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in the order of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special handling charge, and out of revenues from a severance tax on coal; the pledge of the special handling charge for payment of the said principal and interest and that such pledge will constitute a charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by Act No. 2305 adopted by the 1971 Regular Session of the Legislature of Alabama, as amended by the Act adopted by the 1975 Fourth Special Session of the Legislature of Alabama that was introduced as House Bill \_\_\_\_\_ at that session, to the extent necessary to pay the principal of and interest on said bonds and to create reserves therefor and that such pledge will constitute a charge on the revenues so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Committee on Finance and Taxation.

By Messrs. Noonan, Perloff, Mims and Roberts:

S. 58. To amend section 5 of Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama (Acts of 1971, p. 115), as amended by section 3 of Act No. 2306 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3724), the act being entitled "An Act to authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$15,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk containers, or any other method of shipment, to authorize the Department to make temporary loans by the sale and issuance of its bond anticipation notes and to pay such notes and the interest thereon out of proceeds from the sale of the bonds herein authorized; to provide for the details of the bonds and notes issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of certain revenues of the said Department derived from the facil-



ities constructed with the proceeds of the said notes and bonds, and out of revenues from a severance tax on coal, except that the notes shall also be payable out of the proceeds from the sale of the bonds; to provide for and authorize the imposition and collection of an additional handling charge for the use of the said facilities and the pledge of such additional charge for payment of the said principal and interest and that such pledge will constitute the first charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by the acts adopted by the 1971 Regular Session of the Legislature of Alabama that was introduced as House Bill 875 at said session to the extent necessary to pay the principal of and interest on said bonds and notes and to create reserves therefor; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing, the said bonds; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds and the notes not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions," so as to increase the amount of the special handling charge authorized to be imposed and collected, to provide that the proceeds collected from the special handling charge shall be available for use in the payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Fourth Special Session of the Legislature of Alabama to be issued by the Alabama State Docks Department, and to extend the term during which the special handling charge shall be collected.

Committee on Finance and Taxation.

By Messrs. Noonan, Perloff, Mims and Roberts:

S. 59. To amend sections 1, 2, 5, 6, and 9 of Act No. 2305 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3719), entitled "An Act To raise revenue by levying an excise and privilege tax on every person engaged in the severance of coal from the soil in this state; to provide for the collection, payment and administration of such tax; to provide for the use of the proceeds of such tax; to provide for refunds of excess taxes; to provide for penalties for violation of the provisions of this Act; and to provide for eventual termination of such tax," so as to increase the rate of tax levied; to provide that the proceeds of the tax levied on the severance of coal from the soil in this state shall be used for payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Fourth Special Session of the Legislature of Alabama to be issued by the Alabama State Docks Department; to provide for refunds of excess taxes commensurate with the issuance of additional bonds to be paid out of the proceeds from that tax; and to alter the provisions respecting the eventual termination of that tax.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 60. To amend Sections 2, 4, 5 and 7 of Act No. 1274, S. 311, Regular Session 1973 (Acts 1973, p. 2164), providing for the preserva-

tion, enhancement and development of the coastal areas of Alabama and establishing the Alabama Coastal Area Board so as to provide further for state policy, the activities to which this act shall not apply, the composition, appointments, meetings and functions of the board, and the permit applications.

Committee on Finance and Taxation.

By Mr. Little:

S. 61. To appropriate a one-time grant in the amount of \$125,000 from the Special Educational Trust Fund to Alexander City Junior College to be used to provide a capital outlay purposes at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 62. To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of One Thousand (\$1,000.00) Dollars shall be transferred from the District Attorney's Fund of Madison County into the General Fund of Madison County each month to help defray the cost of providing parking for petit and grand jurors in Madison County.

Section 2. The person having control of the District Attorney's Fund shall, on the first day of each month, issue a warrant for the amount provided in Section 1 of this Act, payable to the General Fund of Madison County or otherwise cause said amount to be transferred from the District Attorney's Fund into the General Fund.

Section 3. All laws or parts of laws, whether general, local or special, which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 7, 14, 21 and 29, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 30 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

By Mr. King:

S. 63. To propose and provide for a home rule charter for Madison County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL  
TO BE ENTITLED  
AN ACT

To propose and provide for a home rule charter for Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, Madison County shall have the right and power to frame, adopt, amend or repeal a home rule charter by the following procedure:

(a) Upon resolution approved by the governing body of the county or upon petition of ten per cent of the number of electors who were qualified to vote in such county in the last general election, file with the governing body and a copy filed with the probate judge, the question of the creation of a commission to frame a home rule charter, or charter amendments, shall be submitted to the electorate not less than forty-five days nor more than ninety days after the filing of the petition at a general election, if one is to be held during such period but if not at a special election. An affirmative vote of a majority of the electors voting on the question shall authorize the creation of the commission.

(b) The resolution or petition to have a charter commission may include the names of seven commissioners, to be listed at the end of the ballot, so that an affirmative vote on the question is a vote to elect the persons named. Otherwise, the resolution or petition shall designate the method by which the members of the charter commission shall be chosen.

(c) Any proposed charter, or charter amendment, shall be published by the commission and submitted to the electorate not less than forty-five days nor more than ninety days after publication at a general election, if one is to be held during such period, but if not, at a special election. The procedure for publication shall be prescribed by resolution of the charter commission. The governing body of the county shall appropriate money to provide for the reasonable expenses of the commission and for the publication of its proposals.

(d) Any election pursuant to the provisions of this section shall be conducted in the manner provided by law for holding other county elections. The cost of any such election shall be paid out of the general funds.

(e) A home rule charter or charter amendment shall become effective if approved by a majority of the electors voting thereon. The charter may provide for direct submission of charter revisions or amendments initiated by petition or by resolution of the governing body of the county.

(f) An election on the issue of the creation of a charter commission shall not be held at more frequent intervals than every two years.

Section 2. Upon adoption of a home rule charter the county may exercise all legislative powers of government not inconsistent with its charter, the Alabama Constitution, or the general law of the State of Alabama.

Section 3. In the event of conflict between a county ordinance and a municipal ordinance, the municipal ordinance shall prevail within the municipality.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on October 17, 20, 27 and November 2, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 3 day of November, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

By Mr. King:

S. 64. To propose and provide for a home rule charter for the City of Huntsville.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL  
TO BE ENTITLED  
AN ACT

To propose and provide for a home rule charter for the City of Huntsville.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, the City of Huntsville shall have the right and power to frame, adopt, amend or repeal a home rule charter by the following procedure:

(a) Upon resolution approved by the governing body of the municipality or upon petition of ten per cent of the number of electors who were qualified to vote in such municipality in the last municipal election, filed with the governing body and a copy filed with the probate judge, the question of the creation of a commission to frame a home rule charter, or charter amendments, shall be submitted to the electorate not less than forty-five days nor more than ninety days after the filing of the petition at a general election, if one is to be held during such period but if not, at a special election. An affirmative vote of a majority of the electors voting on the question shall authorize the creation of the commission.

(b) The resolution or petition to have a charter commission may include the names of seven commissioners, to be listed at the end of the ballot, so that an affirmative vote on the question is a vote to elect the persons named. Otherwise, the resolution or petition shall designate the method by which the members of the charter commission shall be chosen.

(c) Any proposed charter, or charter amendment, shall be published by the commission and submitted to the electorate not less than forty-five days nor more than ninety days after publication at a general election, if one is to be held during such period, but if not, at a special election. The procedure for publication shall be prescribed by resolution of the charter commission. The governing body of the municipality shall appropriate money to provide for the reasonable expenses of the commission and for the publication of its proposals.

(d) Any election pursuant to the provisions of this section shall be conducted in the manner provided by law for holding other municipal elections. The cost of any such election shall be paid out of the general funds of the municipality.

(e) A home rule charter or charter amendment shall become effective if approved by a majority of the electors voting thereon. The charter may provide for direct submission of charter revisions or amendments initiated by petition or by resolution of the governing body of the municipality.

(f) An election on the issue of the creation of a charter commission shall not be held at more frequent intervals than every two years.

Section 2. Upon adoption of a home rule charter the City of Huntsville may exercise all legislative power of government not inconsistent with its charter, the Alabama Constitution, or the general law of the State of Alabama.

Section 3. In the event of conflict between a county ordinance, the municipal ordinance shall prevail within the municipality.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on October 17, 20, 27 and November 2, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 3 day of November, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

By Mr. Clemon:

S. 65. To provide and create in all cities in the State having a population of not less than 185,000 inhabitants according to the last or any subsequent Federal Decennial Census, a Racing Commission for the regulation, licensing, and supervision of Greyhound Racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; and to provide certain penalties for the violations of this Act and for other purposes relative thereto, and to provide for a referendum of the voters on the question of whether the Act will become operative in the city.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 66. To fix the salary of the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 115,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census.

Committee on Local Legislation No. 1.

By Mr. Pearson:

S. 67. To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to

require said license if a non-resident desires to fish in any fresh water, whether public or private, in this State, increasing its cost from \$5.00 to \$10.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from \$2.00 to \$3.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this State without the appropriate license.

Committee on Conservation.

By Mr. Pearson:

S. 68. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

Committee on Conservation.

By Mr. Pearson:

S. 69. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

Committee on Conservation.

By Mr. Roberts:

S. 70. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

Committee on Local Government.

By Mr. Roberts:

S. 71. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 & 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and town of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Committee on Local Government.

By Mr. Roberts:

S. 72. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provide for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Committee on Local Government.

By Mr. Roberts:

S. 73. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

Committee on Local Government.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Roberts:

S. 74. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

Committee on Local Government.

By Mr. Roberts:

S. 75. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

Committee on Local Government.

By Mr. Owen:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Committee on Local Legislation No. 1.



By Mr. Owen:

S. 77. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Committee on Finance and Taxation.

By Mr. Owen:

S. 78. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act To create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund", and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961, Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Committee on Finance and Taxation.

By Mr. Fine:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE

Notice is hereby given that at this session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made, that is to say:

### A BILL TO BE ENTITLED AN ACT

Relating to Marion County, Alabama, providing for a secretary for the Courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Marion County, Alabama, only.

Section 2. The presiding judge of the Circuit Court of Marion County, Alabama, may appoint a qualified person to serve as secretary to and for the Courts in Marion County, and shall fix the compensation therefor, which shall not exceed Five hundred dollars (\$500.00) per month, such sum to be paid out of the general funds of the county in

like manner as the other county employees are paid. In the event the primary source of funds for payment of said court secretary shall become other than the said county, a sum not exceeding the above sum may be paid to said secretary as a supplement.

Section 3. Such secretary shall serve at the pleasure of said presiding judge, and shall perform such secretarial and clerical work as may be prescribed by said judge.

Section 4. Act No. 237, Acts of Alabama (Regular Session 1971) is hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MARION COUNTY

Before me, the undersigned authority in and for said State and County, this day personally appeared Roger Quinn of the Marion County Journal, a newspaper published in Hamilton, Marion County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Marion County Journal for 4 consecutive weeks. July 10, 1975, July 17, 1975, July 24, 1975, July 31, 1975.

ROGER QUINN,  
The Marion County Journal.

Sworn and subscribed to before me, This 18th day of August, 1975.

BUDDY HALL,  
Notary Public.

By Messrs. Stewart, Mims, Ellis, Noonan, Gilmore, Jones and Givhan:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total

disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Committee on Finance and Taxation.

By Messrs. Shelby and Bank:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Committee on Health and Welfare.

By Mr. King:

S. 82. To prescribe the date on which the regular annual session of the legislature shall commence each year.

Committee on Constitution and Elections.

By Mr. Adams:

S. 83. To require liquor licensees to sell liquor in half pints and miniatures in unbroken packages.

Committee on State Government.

By Mr. McMillan:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Committee on Judiciary.

By Mr. Baker:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Pearson:

S. 86. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the offices of Secretary and Historian and Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

Committee on Conservation.

By Mr. McMillan:

S. 87. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Committee on Judiciary.

By Mr. McDonald (S):

S. 88. To provide that full-time employees and executive officers of the Alabama Council of School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Committee on Education.

By Messrs. Mims and Givhan:

S. 89. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Live-

stock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Committee on Agriculture.

By Messrs. St. John, McDonald (S), Roberts, Powell, Mims, Vacca and King:

S. 90. To provide a procedure for the presentation of tort claims against political subdivisions; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing political subdivisions to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

Committee on Judiciary.

By Mr. McMillan:

S. 91. To name and designate the physical education facility at The University of Alabama in Birmingham as the George C. Wallace Building.

Committee on State Government.

By Messrs. Torbert and Little:

S. 92. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631- now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Committee on Finance and Taxation.

By Mr. Ellis:

S. 93. To amend Title 8, Section 60, Code of Alabama 1940, as amended, so as to include the rainbow trout as a designated game fish.

Committee on Conservation.

By Messrs. Little, McMillan and Pearson:

S. 94. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the President of the Circuit Judges Association.

Committee on Judiciary.

By Mr. Pearson:

S. 95. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars (\$5,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

Committee on Conservation.

By Messrs. Givhan, Gilmore and Wilson:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Re-compiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Committee on Finance and Taxation.

By Mr. Baker:

S. 97. To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of expense allowances for such judges at the beginning of their next term of office.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 98. Proposing an amendment to the Constitution of 1901 relative to the general appropriations for the essential functions of state government.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. McDonald (S) and St. John:

S. 99. To amend and reenact Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28) establishing the Alabama Commission on Higher Education so as to change the name of the Commission, provide further for the membership of the Commission, to provide the Commission with the authority of approval for new units of instruction, research and public service, to provide a procedure for legislative appeal of decisions of the Commission, and to authorize the commission to accept gifts, devises, grants and bequests.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 101. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate

with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

Committee on Conservation.

By Mr. Waldrop:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Committee on Health and Welfare.

By Messrs. Torbert and Little:

S. 103. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

Committee on Conservation.

By Mr. Noonan:

S. 104. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 105. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Committee on Finance and Taxation.

By Mr. Torbert:

S. 107. To designate and name certain buildings at the Chattahoochee Valley Community College.

Committee on State Government.

By Mr. Waldrop:

S. 108. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars (\$100.00).

Committee on Banking.

By Mr. Vacca:

S. 109. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Committee on Banking.

By Mr. Owen:

S. 110. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted mem-



bers of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 111. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act.

Committee on Health and Welfare.

By Mr. Mims:

S. 112. To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for ear-marking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

Committee on Judiciary.

By Messrs. St. John, McDonald (S), Stewart, McMillan, Little, Bank, Powell, Vacca, Mims and King:

S. 114. To provide that any person who violates the vehicle load limitations of Title 36, Section 89, Code of Alabama, 1940, as amended, shall be subject to a fine, and, upon second and subsequent convictions, a fine and imprisonment may be imposed; to establish a schedule of fines to be assessed against such persons; to provide a schedule of fines to be assessed against persons operating under permits authorized by Title 36, Section 91, Code of Alabama, 1940, as amended, or Section 1 of Act No. 382, H. 834, 1955 Regular Session [Acts of 1955, p. 916; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 91(1)], but exceeding the limits allowed by such permits; to provide that the operator of an excessively loaded vehicle, the weight of which is the direct or proximate cause of an accident in which a person is killed, is guilty of involuntary manslaughter; to provide that damages collected shall be paid to the State Treasurer and  $\frac{1}{2}$  credited to the department legally responsible for maintaining the road on which the violation occurred and  $\frac{1}{2}$  credited to the enforcement authority apprehending the violator; to provide that district attorneys and the attorney general may have violators enjoined; to require the unloading of all gross weight

in excess of the legal weight limit; to authorize the seizure of any offending vehicles whose owner or operator fails to pay the monies prescribed by this act; to provide for repeal of all inconsistent laws or parts of laws; to declare that the provisions of this act are severable; and to set the date upon which this act will become effective.

Committee on Commerce, Transportation and Utilities.

By Mr. Powell:

S. 115. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Committee on State Government.

By Messrs. Ellis and McDonald (S):

S. 116. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Committee on Education.

By Mr. Mitchell:

S. 117. Providing that school bus drivers shall have up to 5 days of paid sick leave per year.

Committee on Finance and Taxation.

By Mr. Mitchell:

S. 118. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Committee on Finance and Taxation.

By Mr. Powell:

S. 119. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has its principal place of business with the consent and approval of the Superintendent of Banks and to repeal all laws or parts of laws in conflict with this Act.

Committee on Banking.

By Mr. Powell:

S. 120. To amend Title 55, Section 488(2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

Committee on Finance and Taxation.

By Mr. Powell:

S. 121. To amend Sections 3, 9, and 12, of Act No. 2479, H. 2083, Regular Session 1971, known as the Alabama Worthless Check Act, in order to change the definition of "notice", as used in this Act; to reduce the time given the drawer to pay the amount due on a check after receiving such notice; to make the offenses in Category III and any third and subsequent offense in any category a felony, with a mandatory fine and prison sentence for third and subsequent offenses; to require the courts to order restitution as a part of all sentences, and to require court costs to be assessed to the defendant.

Committee on Judiciary.

By Mr. Powell:

S. 122. To amend Code of Alabama 1940, Title 15, Section 222, which provides a twelve month limitation for prosecutions of all misdemeanors before the circuit or county court, in order to extend said limitation to recorders court and any other court having misdemeanor jurisdiction; and to repeal Code of Alabama 1940, Title 15, Section 223, which section relates to prosecutions for misdemeanors before a justice of the peace.

Committee on Judiciary.

By Messrs. Mitchell and Baker:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 124. To name a building on Gadsden State Junior College Campus.

Committee on State Government.

By Messrs. Givhan and Mitchell:

S. 125. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Committee on Constitution and Elections.

By Mr. McMillan:

S. 126. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Committee on Judiciary.

By Mr. McDonald (S):

S. 127. To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become

members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Committee on Finance and Taxation.

By Mr. Bank:

S. 128. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Committee on Health and Welfare.

By Mr. Torbert:

S. 129. To require that boards of education cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1976.

Committee on Judiciary.

By Mr. Gilmore:

S. 130. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

Committee on Judiciary.

By Mr. Foshee:

S. 131. To amend Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the division, state, regional, national, or international headquarters or chief executive office of any business enterprise.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 132. To amend the Title and Sections 1 through 10 of Act No. 994, S. 748, 1969 Regular Session (Acts of 1969, p. 1760, now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 373 (81) to 373 (90)), relating to the Tannehill Furnace and Foundry Commission, so as to change the name to the Tannehill State Park Authority.

Committee on State Government.

By Messrs. Mims and Givhan:

S. 133. To repeal Section 387 of Title 2 of the Code of Alabama of 1940 which makes it unlawful for any livestock dealer to buy or sell cattle, hogs, sheep or goats at anytime after sunset or before sunrise.

Committee on Agriculture.

By Mr. Foshee:

S. 134. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial Relations, designated in writing by the Director thereof, shall be peace officers of the State of Alabama with police power to enforce the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

Committee on Judiciary.

By Mr. Gilmore:

S. 135. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Committee on Commerce, Transportation, and Utilities.

By Mr. Waldrop:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

Committee on State Government.

By Mr. Gilmore:

S. 137. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Committee on State Government.

By Mr. Mitchell:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Committee on Insurance.

By Mr. Mitchell:

S. 139. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Committee on Local Legislation No. 1.

By Mr. Tobert:

S. 140. To amend Section 5, as amended, and Section 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

Committee on Local Government.

By Mr. Waldrop:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 142. To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103 (1) ), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof; it repeals Act No. 38, H. 53, 1969 Special Session (Acts of 1969, p. 95; now appearing in the Code of Alabama Recompiled 1958, as Title 52, Section 103 (2)).

Committee on Local Government.

By Mr. Waldrop:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

Committee on Local Legislation No. 1.

By Mr. Vacca:

S. 144. To regulate further vehicles using the highways of the State; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers, pole-trailers and mobile homes; requiring the adjustment, correction or repair of certain parts or equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation and regulation of inspection stations and the appointment of state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

Committee on Judiciary.

By Mr. McMillan:

S. 145. To amend Section 61 of the Alabama Non-Profit Corporation Act of 1955 (Acts of 1955, p. 1254; now appearing in Code of Alabama, Recompiled 1958, Title 10, Section 263), so as to provide further for the availability of its provisions to existing corporations.

Committee on Judiciary.

By Mr. Pearson:

S. 146. To authorize the Game and Fish Division to receive Federal Pittman-Robertson funds for capital improvement purposes on division operated public hunting areas and to appropriate \$115,000.00 of Game and Fish funds for such purposes.

Committee on Finance and Taxation.

By Mr. Jones:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on November 3, 1975 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Messrs. Clark, Hines and Rich.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Messrs. Clark, Hines and Rich.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 4. SUSPENDING S. J. R. 13, THIRD SPECIAL SESSION 1975

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That S. J. R. 13, Third Special Session, 1975, is hereby suspended and declared inoperative during the Fourth Special Session of the Alabama Legislature, 1975, which commenced on November 3, 1975.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 4, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Drake, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCorquodale, McCluskey, McCulley, McMil-



lan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 5. COMMENDING L. B. STEPHENS UPON HIS RETIREMENT FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF PARDONS AND PAROLES AND HIS MANY YEARS OF SERVICE TO THE STATE.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT

At 7:35 P.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted by the Senate, the Senate adjourned until Tuesday, November 4, 1975, at 9 o'clock A.M.

#### SECOND LEGISLATIVE DAY

TUESDAY, NOVEMBER 4, 1975

The Senate met pursuant to adjournment, President Pro Tempore Fine presiding.

#### PRAYER

The Session was opened with prayer by Mr. Gary M. Bradley, Minister, Landmark Church of Christ, Montgomery, Alabama, and Chaplain of the Alabama State Troopers.

#### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonon, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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#### JOURNAL

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the

Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 2. TO PROVIDE THE DAY TO DAY ADJOURNMENT OF BOTH HOUSES OF THE ALABAMA LEGISLATURE DURING THE FOURTH SPECIAL SESSION OF THE ALABAMA LEGISLATURE, 1975.

Also:

S. J. R. 3. SUSPENDING S. J. R. 13, THIRD SPECIAL SESSION, 1975, FOR THE CURRENT SPECIAL SESSION.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Sonnier, Callahan and Malone:

H. J. R. 8. NAMING THE ALABAMA DEEP SEA FISHING RODEO, "THE OFFICIAL ALABAMA DEEP SEA FISHING RODEO."

WHEREAS, The Alabama Deep Sea Fishing Rodeo at Dauphin Island, Alabama has been a much enjoyed annual event for many years; and

WHEREAS, this great fishing rodeo attracts hundreds of out-of-state fishermen each year to our State; and

WHEREAS, the rodeo's out-of-state participants stimulate the local Dauphin Island economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Deep Sea Fishing Rodeo held at Dauphin Island, Alabama be officially named, "The Official Alabama Deep Sea Fishing Rodeo.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Biddle, III:

**H. J. R. 9. RECOMMENDING THAT THE BIRMINGHAM VULCANS BE ADMITTED INTO THE NATIONAL FOOTBALL LEAGUE.**

WHEREAS Alabama and the City of Birmingham have earned national acclaim as the "Football Capital of the South;" and

WHEREAS Alabamians are known throughout the nation as great football fans and supporters; and

WHEREAS the Birmingham Professional Football Organization has completed an outstanding win-loss record for two consecutive seasons; and

WHEREAS the Birmingham Professional Football Organization won the title of World Bowl Champions for 1974 and was the leading team in the W. F. L. for 1975; and

WHEREAS the Birmingham Professional Football Organization held the 1975 record for best attendance in the W. F. L.; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we respectfully request the National Football League to take immediate action to admit the Birmingham Professional Football organization into the N. F. L.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Robertson:

**H. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.**

WHEREAS, the state of the penal systems in the nation and in this state has been a cause for great alarm and vital concern to all citizens, and solutions to the multiple and complex problems thereby created have been elusive; and

WHEREAS, in Alabama we earnestly seek to resolve the problems surrounding the overcrowding of prisoners and recidivism, and the rehabilitation of inmates in order to return them to the mainstream of society as productive and contributing members; and

WHEREAS, the magnitude of the problems, federal court orders and the state of the economy have placed an unusually severe economic burden on this state, heretofore unknown; now therefore

BE IT RESOLVED BY THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Select Joint Interim Committee composed of three members from the House and two members from the Senate, and one representative each appointed by the Directors of the Alabama Board of Corrections and the Alabama Highway Department, members of the Alabama Trade School and Junior College Authority, and the Director of the Manpower Training Service Program. The purpose of the Committee shall be to study the feasibility of and make recommendations to initiate a joint state and federal pilot Prisoner Release Program for prisoners to work on, maintain, repair, build or construct roads, bridges, culverts and dams in the State of Alabama. The members of the committee shall elect a chairman from among its membership. The areas to be considered by the Committee shall include the number of prisoners up to 200 who would participate; the criteria the prisoner must meet to qualify for participation, the instruction and training available and/or needed to be offered to the prison-participant in the fields of the operation of equipment, including heavy equipment, and the maintenance and repair of same; and the state and federal agencies who shall participate. The Committee shall explore the cost and all avenues available to finance the joint pilot Prisoner Release Program and particularly the federal finance available.

BE IT FURTHER RESOLVED, That the Committee shall have the authority to inquire of and obtain information from all pertinent state agencies and departments it deems relative in completing its study. All such departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

RESOLVED FURTHER, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work. The Committee shall report in writing its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the next regular session of the legislature, at which time the Committee shall be dissolved.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Robertson:

H. J. R. 11. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO USE THEIR PERSUASION TO INFLUENCE THE FEDERAL GOVERNMENT'S PARTICIPATION IN ALABAMA'S PILOT PRISONER RELEASE PROGRAM.

WHEREAS, the Legislature of the State of Alabama recognizes that citizens throughout the breadth and length of this land are alarmed and vitally concerned that the national and state penal systems have degenerated into an abysmally monstrous state of chaos, and solutions to the multiple and complex problems thereby created have been elusive; and

WHEREAS, the Legislature of the State of Alabama has created a select joint interim committee to study and initiate a pilot prisoner release program to involve the manpower, intellectual and monetary resources of the federal and state governments; and

WHEREAS, the purpose of the program is to help restore a sense of dignity to the incarcerated by providing an opportunity for them to learn skills which will equip them to earn a livelihood upon their return to society, and to direct the prisoners' energies in productive channels which will benefit the state; and

WHEREAS, the primary phase of the proposed program under study is to concentrate this endeavor in using prisoners to work on, maintain, repair, build or construct roads, bridges, culverts and dams in the State of Alabama; and

WHEREAS, Title 42, Section 2610b, USCA, the Manpower Development and Training Program, directs the Secretaries of Labor and Health, Education and Welfare to work with officials of federal, state, and local institutions to develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions; and

WHEREAS, the Legislature of the State of Alabama believes this proposed pilot program will benefit citizens everywhere; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Congressional delegation is urged to use their persuasion to influence the Congress, the federal government and appropriate federal agencies to cooperate, work with and lend their manpower and monetary resources for the implementation of this state's pilot prisoner release program.

BE IT FURTHER RESOLVED, That the Legislature of the State of Alabama does hereby urge other states to develop prisoner programs of a similar nature.

FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional delegation and to the Legislative Councils of all the states.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bank:

S. 148. To amend Section 3 of Act No. 863, S. 441, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters Personnel Standards and Education Commission, so as to provide further for the employment of an executive secretary and clerical assistants for the commission and to provide further for the payment of travel allowances and expenses for members of the commission.

Committee on Finance and Taxation.

By Mr. Fine:

S. 149. To exempt from Alabama income taxation the accrued interest on certain savings accounts which are similarly exempt under federal income tax law, known commonly as "individual retirement savings accounts."

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 150. To remove the authority of the Public Service Commission to promulgate any rule or regulation or to in any way interfere with the operation of any company furnishing water for public human consumption.

Committee, on Commerce,  
Transportation, and Utilities.

By Mr. Baker:

S. 151. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Committee on Local Legislation No. 1.

By Mr. Ellis:

S. 152. To provide that County Commissioners of each County shall be empowered to fix the salary to be paid Commissioners of such County, to provide that said compensation shall be fixed by resolution, not later than eight months preceding the general election for any such Commission to become effective at the expiration of the term of office of such Commission, during which such resolution is passed. To provide for those Commissions, whose terms do not run concurrently and to repeal all laws in conflict with this Act.

Committee on Local Government.

By Messrs. Waldrop, Jones and Little:

S. 153. To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Judiciary.

By Mr. Little:

S. 154. To authorize the district attorney of the Fifth Judicial Circuit of Alabama to appoint a chief deputy district attorney and to prescribe his duties; to fix his compensation and the manner of its payment.

Committee on Finance and Taxation.

By Mr. Little:

S. 155. Relating to the Fifth Judicial Circuit of Alabama, providing for the powers and duties of any coordinating assistant designated and appointed by the district attorney.

Committee on Finance and Taxation.

By Mr. Little:

S. 156. Providing that the District Attorney of the Fifth Judicial Circuit shall receive the same additional expense allowance as allowed any Circuit Judge of the Fifth Judicial Circuit.

Committee on Finance and Taxation.

By Mr. Little:

S. 157. To authorize and empower the District Attorney of the Fifth Judicial Circuit of Alabama to appoint and delegate powers to a Special Assistant District Attorney under exigent circumstances.

Committee on Finance and Taxation.

By Mr. Little:

S. 158. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 159. To amend Sections 494, 495, 499, and 502 of Title 55 of the Code of Alabama, 1940, as amended, which sections provide for competitive bidding on public contracts.

Committee on Finance and Taxation.

By Mr. Owen:

S. 160. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Committee on Finance and Taxation.

#### RECESS

At 9:15 A. M., on motion of Mr. Owen, the Senate took a recess until 4 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lt. Governor Beasley. A quorum of the Senate was present.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the University of North Alabama:

H. Grady Jacobs  
Bridgeport, Alabama

From the 8th Congressional  
District—for the term ex-  
piring September 9, 1983.

Mrs. R. L. Potts  
Gardendale, Alabama

From the State-at-Large—  
for the term expiring Sep-  
tember 9, 1983.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

DONE THIS 4th DAY OF NOVEMBER, 1975.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Laney L. West, Russellville, Alabama, from the 7th Congressional District, as a member of the Board of Trustees of the University of North Alabama for the term expiring September 9, 1983.

Respectfully,

GEORGE C. WALLACE,  
Governor.

DONE THIS 4th DAY OF NOVEMBER, 1975.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

#### COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

To The Senate  
Alabama State Legislature  
Montgomery, Alabama

In compliance with Article XIV, Section 264, of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following persons have been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on October 29, 1975.

| Name               | Address             | District | Expiration<br>of Term |
|--------------------|---------------------|----------|-----------------------|
| John A. Caddell    | Decatur, Alabama    | Fifth    | 1987                  |
| Ernest G. Williams | Tuscaloosa, Alabama | Seventh  | 1987                  |

Respectfully submitted,

WAYNE TEAGUE,  
Superintendent of Education.



Sworn to and subscribed before me this 4th day of November, 1975.

JANE P. ROARK,  
Notary Public.

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

#### CERTIFICATE

I, J. Rufus Bealle, Secretary of The Board of Trustees of The University of Alabama, hereby certify that the following was elected as a member of the University of Alabama Board of Trustees by the members of said Board in the manner prescribed by the Constitution of Alabama at a meeting of The Board of Trustees held on October 29, 1975:

| Name               | Address             | District | Expiration<br>of Term |
|--------------------|---------------------|----------|-----------------------|
| John A. Caddell    | Decatur, Alabama    | Fifth    | 1987                  |
| Ernest G. Williams | Tuscaloosa, Alabama | Seventh  | 1987                  |

WITNESS my hand and the seal of The Board of Trustees of The University of Alabama on this the 31st day of October, 1975.

J. RUFUS BEALLE,  
Secretary.

The foregoing communication from the Superintendent of Education relative to appointments to the Board of Trustees of the University of Alabama was read and referred to the Standing Committee on Rules.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Mims, Ellis, Noonon, Gilmore, Jones and Givhan:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which

one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 110. (With Amendment): To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Givhan, Gilmore and Wilson:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

By Mr. Torbert:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and

codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

By Mr. Noonan:

S. 104. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

By Mr. Baker:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

By Mr. Baker:

S. 97. To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of expense allowances for such judges at the beginning of their next term of office.

By Mr. Foshee:

S. 52. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

By Mr. Gilmore:

S. 35. To amend Section 1, Act No. 763, H. 286 of the 1973 Regular Session (Acts of 1973, Vol. II, p. 1145) providing further for subsistence allowances for law enforcement officers.

By Mr. Gilmore:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

By Mr. Jones:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles.

By Mr. St. John:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan:

S. 42. (With Substitute): To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by members of said fund; and further to provide for the necessary and the proper appropriations and other employer costs to carry out the provisions of this Act.

By Mr. Givhan:

S. 44. To make an appropriation to the Perry County Board of Education to be used for capital outlay purposes for the school located in the Heiberger community in Perry County.

By Mr. Torbert:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

By Mr. Mims:

S. 51. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

By Mr. Ellis:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

By Mr. Noonan:

S. 60. To amend Sections 2, 4, 5 and 7 of Act No. 1274, S. 311, Regular Session 1973 (Acts 1973, p. 2164), providing for the preservation, enhancement and development of the coastal areas of Alabama and establishing the Alabama Coastal Area Board so as to provide further for state policy, the activities to which this act shall not apply, the composition, appointments, meetings and functions of the board, and the permit applications.

By Mr. Baker:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

(The above Bill was read a second time at length as required by the Constitution.)

By Mr. Mims:

S. 112. To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

By Messrs. Torbert and Little:

S. 92. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

By Mr. Mims:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

By Messrs. Mitchell and Baker:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

By Mr. Mitchell:

S. 118. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

By Mr. McMillan:

S. 87. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform

Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

By Messrs. St. John, McDonald (S), Roberts, Powell, Mims, Vacca and King:

S. 90. To provide a procedure for the presentation of tort claims against political subdivisions; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing political subdivisions to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

By Messrs. Little, McMillan and Pearson:

S. 94. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the President of the Circuit Judges Association.

By Mr. McMillan:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon writing recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

By Mr. Powell:

S. 121. To amend Sections 3, 9, and 12, of Act No. 2479, H. 2083, Regular Session 1971, known as the Alabama Worthless Check Act, in order to change the definition of "notice", as used in this Act; to reduce the time given the drawer to pay the amount due on a check after receiving such notice; to make the offenses in Category III and any third and subsequent offense in any category a felony, with a mandatory fine and prison sentence for third and subsequent offenses; to require the courts to order restitution as a part of all sentences, and to require court costs to be assessed to the defendant.

By Mr. Powell:

S. 122. To amend Code of Alabama 1940, Title 15, Section 222, which provides a twelve month limitation for prosecutions of all misdemeanors before the circuit or county court, in order to extend said limitation to recorders court and any other court having misdemeanor jurisdiction; and to repeal Code of Alabama 1940, Title 15, Section 223, which section relates to prosecutions of misdemeanors before a justice of the peace.

By Mr. McMillan:

S. 126. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

By Mr. Torbert:

S. 129. To require that boards of education cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1976.

By Mr. Vacca:

S. 144. To regulate further vehicles using the highways of the State; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers, pole-trailers and mobile homes; requiring the adjustment, correction or repair of certain parts or equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation and regulation of inspection stations and the appointment of state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

By Mr. McMillan:

S. 145. To amend Section 61 of the Alabama Non-Profit Corporation Act of 1955 (Acts of 1955, p. 1254; now appearing in Code of Alabama, Recompiled 1958, Title 10, Section 263), so as to provide further for the availability of its provisions to existing corporations.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King:

S. 82. To prescribe the date on which the regular annual session of the legislature shall commence each year.

By Messrs. Givhan and Mitchell:

S. 125. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 67. To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this State, increasing its cost from \$5.00 to \$10.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-

resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from \$2.00 to \$3.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this State without the appropriate license.

By Mr. Pearson:

S. 68. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

By Mr. Pearson:

S. 69. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

By Mr. Pearson:

S. 86. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the offices of Secretary and Historian and Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

By Mr. Ellis:

S. 93. To amend Title 8, Section 60, Code of Alabama 1940, as amended, so as to include the rainbow trout as a designated game fish.

By Mr. Pearson:

S. 95. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars (\$5,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

By Mr. Torbert:

S. 101. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with



one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

By Messrs. Torbert and Little:

S. 103. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic area, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis and McDonald (S):

S. 116. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

By Mr. McDonald (S):

S. 88. To provide that full-time employees and executive officers of the Alabama Council of School Administration and Supervision may elect to become members of the Teachers' Retirement System of Ala-

bama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

By Messrs. Shelby and Bank:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

By Mr. Bank:

S. 128. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 119. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has its principal place of business with the consent and approval of the Superintendent of Banks and to repeal all laws or parts of laws in conflict with this Act.

By Mr. Vacca:

S. 109. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mims and Givhan:

S. 8. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint and prescribes certain requirements under which paint is sold or offered for sale.

By Messrs. Mims and Givhan:

S. 40. To amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire, designated as weighmasters, by increasing said fee to ten dollars.

By Messrs. Mims and Givhan:

S. 41. Relating to persons engaged in the business or buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$20.00; to provide for the effective date of this Act.

By Messrs. Mims and Givhan:

S. 89. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft

Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

By Messrs. Mims and Givhan:

S. 133. To repeal Section 387 of Title 2 of the Code of Alabama of 1940 which makes it unlawful for any livestock dealer to buy or sell cattle, hogs, sheep or goats at anytime after sunset or before sunrise.

Mr. Flipppo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. St. John, McDonald (S), Stewart, McMillan, Little, Bank, Powell, Vacca, Mims and King:

S. 114. To provide that any person who violates the vehicle load limitations of Title 36, Section 89, Code of Alabama, 1940, as amended, shall be subject to a fine, and, upon second and subsequent convictions, a fine and imprisonment may be imposed; to establish a schedule of fines to be assessed against such persons; to provide a schedule of fines to be assessed against persons operating under permits authorized by Title 36, Section 91, Code of Alabama, 1940, as amended, or Section 1 of Act No. 382, H. 834, 1955 Regular Session [Acts of 1955, p. 916; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 91(1)], but exceeding the limits allowed by such permits; to provide that the operator of an excessively loaded vehicle, the weight of which is the direct or proximate cause of an accident in which a person is killed, is guilty of involuntary manslaughter; to provide that damages collected shall be paid to the State Treasurer and  $\frac{1}{2}$  credited to the department legally responsible for maintaining the road on which the violation occurred and  $\frac{1}{2}$  credited to the enforcement authority apprehending the violator; to provide that district attorneys and the attorney general may have violators enjoined; to require the unloading of all gross weight in excess of the legal weight limit; to authorize the seizure of any offending vehicles whose owner or operator fails to pay the monies prescribed by this act; to provide for repeal of all inconsistent laws or parts of laws; to declare that the provisions of this act are severable; and to set the date upon which this act will become effective.

By Mr. Gilmore:

S. 135. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p. 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 132. To amend the Title and Sections 1 through 10 of Act No. 994, S. 748, 1969 Regular Session (Acts of 1969, p. 1760, now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 373 (81) to 373 (90)), relating to the Tannehill Furnace and Foundry Commission, so as to change the name to the Tannehill State Park Authority.

By Mr. Waldrop:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

By Mr. Waldrop:

S. 124. To name a building on Gadsden State Junior College Campus.

By Mr. Gilmore:

S. 137. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

By Mr. Powell:

S. 115. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

By Mr. Torbert:

S. 107. To designate and name certain buildings at the Chattahoochee Valley Community College.

By Mr. McMillan:

S. 91. To name and designate the physical education facility at The University of Alabama in Birmingham as the George C. Wallace Building.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 70. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

By Mr. Roberts:

S. 71. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities

and town of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

By Mr. Roberts:

S. 72. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

By Mr. Roberts:

S. 73. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Roberts:

S. 74. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

By Mr. Roberts:

S. 75. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff:

S. 5. (With Amendment): Relating to counties having a population of not less than 300,000 nor more than 600,000; providing for the compensation of the presidents of Law Enforcement Associations and the presidents of Firefighters Associations while such presidents are engaged in certain association business.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonon:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

By Mr. Noonon:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m. s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

By Mr. Noonon:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

By Mr. McDonald (A):

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

By Mr. McDonald (A) (With Notice and Proof):

S. 62. To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

By Mr. Stewart:

S. 1. To amend Act No. 425, H. 997, of the Regular Session of the Legislature, 1975, approved on September 18, 1975, which creates an Industrial Development Authority for Calhoun County. To amend Section 1 of said Act, providing for the members of said Authority.

By Mr. Owen:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

By Mr. Bank:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

By Mr. Fine (With Notice and Proof):

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

By Mr. Mitchell:

S. 139. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

By Mr. Givhan:

S. 10. Relating to the Fourth Judicial Circuit; providing for an additional circuit judge in such circuit; defining his jurisdiction, powers, right and authority; prescribing his qualifications and duties; setting his compensation and providing for the appointment of a bailiff and court reporter.



By Mr. Givhan:

S. 7. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

By Mr. King (With Notice and Proof):

S. 64. To propose and provide for a home rule charter for the City of Huntsville.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 147. (With Substitute): Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (With Notice and Proof):

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

By Mr. Torbert:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

By Mr. King (With Notice and Proof):

S. 63. To propose and provide for a home rule charter for Madison County.

By Mr. Waldrop (With Notice and Proof):

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amount payable to widows or dependents; and to provide appeals from any decision of said board.

By Mr. Stewart:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

By Mr. Waldrop (With Notice and Proof):

S. 28. To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications of said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries; to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said Act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

By Mr. Little:

S. 22. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

By Mr. Little:

S. 20. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; providing for a public defender to represent indigents in the county District Courts and fixing his salary therefor, in such counties.

By Messrs. Little and Torbert:

S. 18. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

By Messrs. Little and Torbert:

S. 17. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

By Mr. Little:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

By Messrs. Torbert and Little:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

By Mr. Little:

S. 13. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

By Mr. Waldrop (With Notice and Proof):

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

By Mr. Little:

S. 11. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

By Mr. Waldrop (With Notice and Proof):

S. 2. To create a civil service board for the City of Gadsden, Alabama, providing for the composition of the board and terms of office,

providing for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

By Mr. Baker:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

By Mr. Baker:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

#### ADJOURNMENT

At 4:25 P. M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, November 5, 1975, at ten o'clock A. M.

#### THIRD LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 5, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

#### PRAYER

The Session was opened with prayer by the Reverend James E. Jones, Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Barak, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

## POINT OF PERSONAL PRIVILEGE

Mr. Mims requested and received unanimous consent to have his name removed as co-sponsor of Senate Bill 114.

## RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT AND EFFICIENCY OF THE DEPARTMENT OF EDUCATION.

WHEREAS, there has been much controversy surrounding the management and efficiency of the department of education; and

WHEREAS, questions have been raised as to whether or not the department of education is utilizing the best principles of management and efficiency in administering the educational program for the citizens of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the Senate and four members of the House to be appointed by the presiding officer of the respective houses. The membership of the committee shall elect from among its membership a chairman and vice chairman. The committee shall investigate and study all facets of the department of education to determine the areas of any mismanagement and inefficiency existing therein, and shall make recommendations necessary to assure that the

operation of the department of education is based on the best principles of sound management and efficiency. The committee shall report in writing its findings, conclusions and recommendations to the Legislature not later than the 5th legislative day of the next regular session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the Legislature, on warrants drawn on the State comptroller upon requisition signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Brindley, Drake, Sparks, Kelley, Killian, Starkey and Roberts:

**H. J. R. 23. URGING THE SPELLING OF "BRINDLEE MOUNTAIN PARKWAY" AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.**

WHEREAS Brindley Mountain, located in Cullman and Marshall counties was named for the Brindley family who came to America around 1795, and produced a long line of descendants who distinguished themselves by their unselfish public service to this state; and

WHEREAS one of the most prominent of the Brindley descendants was Mace Thomas Payne Brindley, the only son of Mrs. Phoebe Brindley who settled near Brindley Mountain with her son and six daughters; and

WHEREAS Mace T. P. Brindley served in this august body as representative of Blount County from 1839 until 1841 when he was elected to the senate from Blount and Marshall counties where he served his constituents for fourteen years; and

WHEREAS Mace T. P. Brindley further served his community as a school teacher, probate judge and clerk of the circuit court; and

WHEREAS the Cullman County Historical Commission has chosen to restore the cemetery where Mace Thomas Payne Brindley is buried; and

WHEREAS it was Mace T. P. Brindley, at the age of fourteen who caused the first clearing of the woods atop Brindley Mountain for one of the first roads to its summit; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we encourage the proper spelling of Brindley Mountain Parkway and Brindley Mountain be reflected on all publications, signs and markers designating the parkway so that the Brindley family will receive the recognition it earned; we, therefore, do instruct the Highway Department and the Department of Publicity and Information to correct the spelling of the name "Brindlee" to Brindley on all signs, markers and publications.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to the Highway Department and the Department of Publicity and Information.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 23, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Owens:

H. J. R. 21. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

WHEREAS, due to the trying times and the harrassment and danger to elected officials, the Legislature of Alabama feels that there is a need that they be furnished security along with other elected officials; and

WHEREAS, the members of the Legislature of the State of Alabama are in session every year and numerous people from all walks of life visit the Capitol of the State of Alabama and are allowed to come and go at will; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that it desires the Department of Public Safety to furnish such security as is necessary to insure the safety of the members of the Legislature and provide the order necessary to carry out the legislative duties.

BE IT FURTHER RESOLVED That the Clerk of the House of Representatives is instructed to deliver a copy of this resolution to the Director of the Department of Public Safety.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 21, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Plaster:

H. J. R. 27. A REPORT ON PROGRAM ACTIVITIES OF EACH STATE DEPARTMENT, BOARD, BUREAU AND AGENCY OF STATE GOVERNMENT.

WHEREAS, the Legislature is called on to appropriate funds to hundreds of departments, boards, bureaus, and agencies each year, and,

WHEREAS, Legislators need information upon which to make sound judgments on these important fiscal matters, and,

WHEREAS, the abundance of data and information needs to be organized in a manner so that legislators can interpret it before making their decisions, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that each department, board, bureau, and agency of the state shall make a program report of their activities prior to the next session of the Legislature. This report shall include, but is not limited to, such information as the number of personnel employed at the beginning of the fiscal year, the number of employees at the close of the fiscal year, the average salary of non-supervisory personnel, the average salary of supervisory personnel, a breakdown of the department budget by salaries, equipment, services provided, funds sent to local governing bodies or agencies, the number of people receiving the services.

For example: The Highway Department's report should include the number of miles resurfaced, the number of miles constructed, the amount of maintenance done on primary and secondary roads along with the information on personnel and their salaries.

BE IT FURTHER RESOLVED, that the Legislative Fiscal Office shall prepare forms to secure this information from each department, board, bureau and agency of state government and shall compile the data into a report.

BE IT FURTHER RESOLVED, that this report shall be available to each member of the Legislature by the first day of the 1976 Regular Session.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 27, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 19. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

WHEREAS the proliferation of supernumerary public officials in this state during the current session of the legislature has been unbelievable; and

WHEREAS many of these supernumerary positions have been created without adequate actuarial studies or any real basis for creating a supernumerary position; and

WHEREAS there is great need for the study and careful consideration of this problem by the legislature in order to put all supernumerary positions on a sound actuarial and fiscal basis; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim supernumerary study committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice chairman. The committee shall study all facets of supernumerary positions within the State of Alabama.



Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

The fiscal officers of the House and Senate, the staff of the State Employees' Retirement System and the staff of the State Insurance Department are hereby directed to furnish such aid and assistance to the committee as it may request.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 19, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Owens:

#### H. J. R. 18. CREATING THE CAHABA RIVER COMMISSION.

WHEREAS the Cahaba River is one of the most historic and beautiful rivers in the State of Alabama; and

WHEREAS there is need for the creation of a Cahaba River Commission; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a commission to be known as the Cahaba River Commission to consist of ten members.

There is hereby created a commission to be known as the Cahaba River Commission to consist of ten (10) members. Two (2) such members shall be residents of each of the following counties: Jefferson, Shelby, Bibb, Perry and Dallas. All members are to be appointed by the Governor for a term of six (6) years; however, of the first members appointed one shall be appointed from Jefferson County and one appointed from Bibb County shall be for a term of five (5) years; one appointed from Shelby County and one appointed from Perry County shall be for four (4) years, one appointed from Bibb County and one appointed from Dallas shall be for three (3) years, one appointed from Perry County and one appointed from Jefferson County shall be for two (2) years, and one appointed from Dallas County and one from Shelby County shall be for one (1) year. All subsequent appointments to fill vacancies caused by the expiration of the term shall be for six (6) years. A chairman of the commission shall be elected by the members making up such commission.

The Cahaba River Commission shall have authority to make recommendations and conduct studies pertaining to the environmental impact of any actions or activities on the river.

The members of the Cahaba River Commission shall not receive any compensation or reimbursement for any expenses incurred by such members.

The Cahaba River Commission shall report their activities and recommendations to the Alabama Legislature from time to time.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 18, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 1. Relative to a committee appointment to notify the Governor that the Legislature is in session and ready for transaction of business;

Also:

S. J. R. 5. Endorsing Russell County as the site for a national veterans cemetery.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McNees:

H. J. R. 13. COMMENDING REVEREND W. M. REEVES UPON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Bank, the Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 14. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Third (3rd) Legislative Day only:

| Bill No. | Page |
|----------|------|
|----------|------|

ALL UNCONTESTED LOCAL BILLS.

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

## BILLS ON THIRD READING

The Bill:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Waldrop.

—25

Nays:

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The Bill:

S. 5. Relating to counties having a population of not less than 300,000 nor more than 600,000; providing for the compensation of the presidents of Law Enforcement Associations and the presidents of Fire-fighters Associations while such presidents are engaged in certain association business.

Was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 5, to-wit:

## COMMITTEE AMENDMENT TO S. B. 5

Amend S. B. 5 by adding the following new paragraph to the end of Section 1 between lines 29 and 30, viz:

"Provided, however, that the provisions of this act shall not apply in the case of an emergency, or a threat to public safety, as declared by the Commissioner of Public Safety of the political subdivision by which they are employed."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

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Nays:

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And said Bill, S. B. 5, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, St. John, Shelby, Stewart, Torkert, Waldrop.

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*Nays:*

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The Bill:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart.

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*Nays:*

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The Bill:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m. s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart.

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*Nays:*

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**The Bill:**

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart.

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**Nays:**

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**The Bill:**

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

—25

**Nays:**

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**The Bill:**

S. 62. To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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**Nays:**

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**The Bill:**

S. 1. To amend Act No. 425, H. 997, of the Regular Session of the Legislature, 1975, approved on September 18, 1975, which creates an Industrial Development Authority for Calhoun County. To amend Section 1 of said Act, providing for the members of said Authority.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Jerry, Powell, Stewart, Waldrop, Wilson.

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**Nays:**

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**The Bill:**

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

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**The Bill:**

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Bank, Edwards, Ellis, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop.

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**Nays:**

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## The Bill:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Wilson.

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## Nays:

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## The Bill:

S. 139. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribing the duties of such election officers, and fix their compensation.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

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## Nays:

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## The Bill:

S. 7. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and

to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 64. To propose and provide for a home rule charter for the City of Huntsville.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 1.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

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Nay: Mr. McDonald (A)

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The Bill:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon Edwards, Ellis, Gilmore, Givhan, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent



federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 147, to-wit:

SUBSTITUTE FOR S. B. 147

A BILL  
TO BE ENTITLED  
AN ACT

Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; provided, however any such tax levied by said governing bodies shall be subject to approval of the majority of the voters in said county in elections called for by said governing board for this purpose; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to any limitation of the Constitution of Alabama or of any general law of this state, the county commission or other like governing body of those counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes. The revenue from any of the taxes authorized above shall be deposited into the county treasury to be used in the manner prescribed by the county commission.

Section 2. The county commission or other like governing body of such counties are hereby expressly prohibited from levying or collecting any additional occupational or gross proceeds tax, of whatever nature.

Section 3. Any such tax levied by said governing bodies shall become law only upon approval by a majority of those voting in any election called for by the said governing body for this purpose. The said election shall be held not less than 30 days nor more than 90 days after said county governing body adopts such resolution as necessary for imposing said tax.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Jones offered the following amendment to the substitute for the Bill, S. B. 147, to-wit:

# AMENDMENT TO SUBSTITUTE FOR S. B. 147

Amend Senate Bill No. 147 Page 1 Line 17, by striking out "alcoholic beverage taxes" after the word "taxes".

Also amend page 1 line 31 by striking out the words "alcoholic beverage taxes" after the words "excise taxes".

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 147, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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And said Bill, S. B. 147, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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# The Bill:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 63. To propose and provide for a home rule charter for Madison County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 1.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nay: Mr. McDonald (A)

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The Bill:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

was taken up.

Mr. Waldrop offered the following substitute for the Bill, S. B. 31, to-wit:

#### SENATE SUBSTITUTE FOR S. B. 31

#### A BILL TO BE ENTITLED AN ACT

Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Etowah County, Alabama.

Section 2. In lieu of any and all license, privilege or excise taxes heretofore levied by the governing bodies of municipalities located within Etowah County and the Legislature of Alabama, upon the sale, use or consumption, distributing, storing or withdrawing from storage of malt or brewed beverages within Etowah County or any municipalities located therein (including police jurisdictions), there is hereby levied and imposed a privilege license tax of one-half ( $\frac{1}{2}$ ¢) cent on each ounce, or fractional part thereof, of malt or brewed beverages (including draft beer) sold, used, consumed, stored, or withdrawn from storage in Etowah County, to be paid by every person, firm, corporation, co-partnership,

club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this Act (less costs of collection as provided for below) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

A) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality having a board of education, all such proceeds from the  $\frac{1}{2}\text{¢}$  per ounce privilege license tax shall be distributed according to the following percentages:

20.83 1/3% ( $1\frac{1}{4}\text{¢}$  per 12 ounces) to the Etowah County general fund;

20.83 1/3 % ( $1\frac{1}{4}\text{¢}$  per 12 ounces) to the city and county boards of education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used only for capital outlay purposes, renovation, and repairs;

58.33 1/3% ( $3\frac{1}{2}\text{¢}$  per 12 ounces) to the general fund of the municipality.

B) For malt or brewed beverages delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds from the  $\frac{1}{2}\text{¢}$  per ounce privilege license tax shall be distributed according to the following percentages:

12.50% ( $\frac{3}{4}\text{¢}$  per 12 oz.) to the Etowah County Board of Education; to be used for capital outlay purposes, renovation and repairs;

20.83 1/3% ( $1\frac{1}{4}\text{¢}$  per 12 oz.) to the city and county boards of education in Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

29.16 2/3% ( $1\frac{3}{4}\text{¢}$  per 12 oz.) to the general fund of the municipality;

37.50% ( $2\frac{1}{4}\text{¢}$  per 12 ounces) to the Etowah County general fund.

C) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds from the  $\frac{1}{2}\text{¢}$  per ounce privilege license tax shall be distributed according to the following percentages:

20.83 1/3% ( $1\frac{1}{4}\text{¢}$  per 12 ounces) to the Etowah County general fund.

20.83 1/3% ( $1\frac{1}{4}\text{¢}$  per 12 ounces) to the city and county boards of education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

33.33 1/3% ( $2\text{¢}$  per 12 ounces) to the general fund of the municipality;

25.00% ( $1\frac{1}{2}\text{¢}$  per 12 ounces) to the Etowah County Board of Education, to be used for capital outlay purposes, renovation, and repairs;

D) For malt or brewed beverages delivered for retail sale outside the City or town limits, but within the police jurisdiction, of a municipi-

pality not having a board of education, all such proceeds from the  $\frac{1}{2}\text{¢}$  per ounce privilege license tax shall be distributed according to the following percentages:

16.66  $\frac{2}{3}\%$  ( $1\text{¢}$  per 12 ounces) to the general fund of the municipality;

20.83  $\frac{1}{3}\%$  ( $1\frac{1}{4}\text{¢}$  per 12 ounces) to the city and county boards of education within Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

25.00% ( $1\frac{1}{2}\text{¢}$  per 12 ounces) to the Etowah County Board of Education; to be used for capital outlay purposes, renovation, and repairs;

37.50% ( $2\frac{1}{4}\text{¢}$  per 12 ounces) to the Etowah County general fund.

E) For malt or brewed beverages delivered for retail sale in locations which are within the boundaries of Etowah County, Alabama but not within the corporate limits or police jurisdiction of any municipality, all such proceeds from the  $\frac{1}{2}\text{¢}$  per ounce privilege license tax shall be distributed according to the following percentages:

20.83  $\frac{1}{3}\%$  ( $1\frac{1}{4}\text{¢}$  per 12 ounces) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, or repairs;

25.00% ( $1\frac{1}{2}\text{¢}$  per 12 ounces) to the Etowah County Board of Education; to be used for capital outlay purposes, renovation, or repairs;

54.16  $\frac{2}{3}\%$  ( $3\frac{1}{4}\text{¢}$  per 12 ounces) to the Etowah County general fund.

F) All proceeds of the tax levied by this Act, less costs of collection, upon the sale, use or consumption, distribution, storing or withdrawing from storage of draft beer in such counties shall be distributed to the city and county boards of education in such counties, to be divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs.

G) All proceeds of the tax levied by this Act, less costs of collection, upon the sale, use or consumption, storing or withdrawing from storage of malt or brewed beverages (including draft beer) shall be distributed to said recipients on a monthly basis. All such proceeds must be distributed on or before the 15th day of the month following the month during which it is determined how such proceeds should be distributed according to the locations to which said beverages are delivered for sale as determined by the distributors and sellers sworn monthly statements.

Section 4. The privilege license tax authorized herein shall be collected in the manner set forth below by or under the supervision and control of the county commission, board of revenue, or like governing body of such county (hereinafter referred to as "the commission"), which shall be primarily responsible for the administration of this Act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and shall provide decal type tax stamps to be placed upon the lids or crowns of all containers in which malt or brewed beverages are sold, including kegs or barrels of draft beer as evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 5. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next proceeding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which such beverages were purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) Any distributor or seller failing, refusing or omitting to file the statement prescribed in this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months; and each day such default continues shall constitute a separate offense.

c) In order to enable the commission to make distribution of the net proceeds of the tax as in this act prescribed, each distributor or seller must include in the statement separate figures stating the total sales by size of container made within each such municipality within the county and the police jurisdiction of each such municipality, and the total sales made in the county but outside the corporate limits or the police jurisdiction of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable it to make proper distribution of the proceeds of the tax. The authority given to the commission by this subsection is cumulative and may be exercised in addition to prosecution under the provisions of the preceding subsection. The forms required to be filed with the commission by this section shall be retained by the commission and shall be subject to examination by representatives or agents of all municipalities and school boards within the county during normal business hours at the Etowah County Courthouse.

Section 6. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State. Violation of this section shall upon conviction be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 7. a) It shall be the duty of any person, subject to the privilege license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters

from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall be punishable as provided for in subsection F').

b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be punishable as provided for in subsection F').

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege license tax due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, than and in that event it shall be the duty of the commission to ascertain from such information and data as may be reasonably available the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall be punishable as provided for in subsection F'), and each day of delay in payment shall constitute a separate offense.

d) The taxes shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

e) All rights to inspect documents, records, books of account and other pertinent information which are granted to the commission in this section shall also be granted to the City of Gadsden Revenue Department with respect to businesses and other locations within the corporate limits and/or police jurisdiction of the City of Gadsden.

f) All persons found guilty of violating this section shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 8. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer, deputy sheriff, or City of Gadsden Revenue Department employee, to enter lawfully any such retailer establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages. Provided, however, that employees of the City of Gadsden Revenue Department shall only have such authority within the corporate limits and police jurisdiction of the City of Gadsden and the authority of police officers shall similarly be limited to the corporate limits and police jurisdictions of the municipality by which they are employed.

Section 9. a) Collection of the tax shall be accomplished in this fashion:

The commission shall procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this act. The commission shall deduct from the gross amount of taxes collected, at each tax-distribution period, the actual amount which it has expended for stamps, decals, reporting forms, notices, and other materials necessary for efficient administration, collection, distribution, and enforcement of the tax imposed by this Act. After deduction of the expenses incurred for said stamps, decals, notices, forms and material necessary, the amounts payable to the City of Gadsden and its school board shall be computed according to the percentages fixed in Section 3 of this Act. Computations of the amounts payable to the City of Gadsden and the Gadsden School Board shall be made in this manner because the City of Gadsden shall be primarily responsible for enforcement of the provisions of this Act within its corporate limits and police jurisdiction. After the proceeds payable to the City of Gadsden have been computed, as aforesaid, the expense incurred by the commission for enforcement of the provisions of this Act shall be deducted from the amount of the proceeds of the tax remaining after deducting the portion of the tax payable to the City of Gadsden and the Gadsden School Board. This net amount (i.e. the amount remaining after deducting (1) the expense of administrative and enforcement materials (2) the amounts payable to the City of Gadsden and the Gadsden School Board, and (3) the commission's enforcement expenses) shall be distributed in the manner and according to the percentages prescribed in section 3 of this Act.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the proportionate share of the cost of collection and expenses of administration of this act, provided, however, that the City of Gadsden shall share in paying only the expenses of administrative materials and not any portion of the expense of enforcement.

Section 10. a) Decals, stamps or other devices shall be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefor and payment of the amount of taxes



corresponding to the stated value of the decals, stamps, or other devices that he procures from the commission, less an eight per cent (8%) discount to help offset the expense of affixing stamps or decals to the beverage containers as required by this Act; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered and within such time limits as may from time to time be fixed by resolution of the Commission.

Section 10. b) It shall be unlawful for any person (other than licensed wholesale dealers and distributors of malt or brewed beverages during the time limit fixed by the commission as aforesaid) to have in their custody, control or possession in Etowah County any malt or brewed beverage upon which the tax imposed by this Act has not been paid. For purposes of this section, the absence of a required stamp or decal from a container holding malt or brewed beverages shall give rise to a presumption that no tax has been paid upon said malt or brewed beverages. It shall not be deemed a violation of this section for a person to have in his possession nominal amounts (not exceeding 144 fluid ounces) of malt or brewed beverages which such amounts are intended solely for personal consumption.

Section 10. c) Persons violating the provisions of this section, shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not to exceed six (6) months.

Section 11. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax. In addition to any fine imposed for the violation of this law.

Section 12. All laws or parts of laws in conflict herewith, including municipal ordinances, are repealed. The tax hereby imposed supersedes all previous taxes on malt or brewed beverages relating to Etowah County and all of its municipalities; provided, however, that such repeal shall not affect any prosecution for violation of any such law or ordinance which is already underway and in process.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

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Nays:

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And said Bill, S. B. 31, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

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*Nays:*

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The Bill:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amount payable to widows or dependents; and to provide appeals from any decision of said board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Waldrop.

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*Nays:*

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The Bill:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

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*Nays:*

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## The Bill:

S. 28. To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries; to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said Act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonon, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Waldrop, Wilson.

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Nays:

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Abstaining: Mr. McDonald (S)

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## The Bill:

S. 22. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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## The Bill:

S. 20. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; providing for a public defender to represent indigents in the county District Courts and fixing his salary therefor, in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 18. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 17. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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*Nays:*

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The Bill:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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*Nays:*

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The Bill:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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*Nays:*

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The Bill:

S. 13. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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*Nays:*

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**The Bill:**

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop.

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**Nays:**

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**The Bill:**

S. 11. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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**Nays:**

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**The Bill:**

S. 2. To create a civil service board for the City of Gadsden, Alabama, providing for the composition of the board and terms of office, providing for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

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Nays:

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The Bill:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

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The Bill:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

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Nays:

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The Bill:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities

having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

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*Nays:*

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#### BILLS RECONSIDERED

On motion of Mr. Mitchell, the Senate reconsidered the vote by which the Bill, S. B. 139, was passed.

On motion of Mr. Mitchell, further consideration of the Bill was indefinitely postponed.

#### RESOLUTIONS

Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wal-drop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. COMMENDING GENERAL JAMES TAYLOR HARDIN FOR HIS OUTSTANDING CAREER IN THE MILITARY.

WHEREAS General James Taylor Hardin retired June 9, 1975 after 35 years in active and reserve duty; and

WHEREAS General Taylor Hardin's inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary in his position, have made his services particularly valuable; and

WHEREAS General Hardin holds many awards from the States of Alabama and Mississippi and from the Federal Government; and

WHEREAS Taylor Hardin served as President of the Alabama National Guard Association three times; and

WHEREAS in June of 1975 General Hardin was commissioned by the Governor to the grade of Commanding General in the Alabama Army National Guard. He is the only one to hold the rank of Commanding General; and

WHEREAS General Hardin has exhibited throughout his long career those admirable attributes of friendliness, devotion to duty, and concern for his fellow man; and

WHEREAS this legislature would like to pay tribute to this great but humble man who has made significant and lasting contributions to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend General James Taylor Hardin for his long military career and wish him



success in his new position as Commanding General of the Governor's personal Military Staff.

**RESOLVED FURTHER**, That a copy of this resolution be sent to General Hardin.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 124. To name a building on Gadsden State Junior College Campus.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 23; Nays 0.

Nays:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—23

Nays:

—0

#### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT AND EFFICIENCY OF THE DEPARTMENT OF EDUCATION.**

Mr. Torbert offered the following amendment to the Resolution, S. J. R. 13, to-wit:

#### AMENDMENT TO S. J. R. 13

Amend S. J. R. 13, page 1, line 33, by inserting after the word "and efficiency" the following:

"The superintendent of the state department of education shall cooperate with said committee in its work and shall furnish such information and recommendations as shall be required by said committee; and the Examiners of Public Accounts shall furnish such personnel and studies to assist the committee in its work."

Which was adopted.

And on motion of Mr. Fine, the Resolution, S. J. R. 13, as thus amended, was then adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Ala-

bama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

was taken up.

Mr. Baker offered the following substitute for the Bill, S. B. 80, to-wit:

#### SUBSTITUTE FOR S. B. 80

#### A BILL TO BE ENTITLED AN ACT

To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, defining permanent total disability and extending

benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on a permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefits at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 259 of Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 259. Extraterritorial Coverage.

(A) If an employee, while working outside of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by this act had such injury occurred within this state, such employee, or in the event of his death resulting from such injury, his dependents, shall be entitled to the benefits provided by this act, provided that at the time of such injury.

1. his employment was principally localized in this state, or
2. he was working under a contract of hire made in this state in employment not principally localized in any state, or
3. he was working under a contract of hire made in this state in employment principally localized in another state whose workmen's compensation law was not applicable to his employer, or
4. he was working under a contract of hire made in this state for employment outside the United States.

(B) The payment or award of benefits under the workmen's compensation law of another state, territory, province, or foreign nation to an employee or his dependents otherwise entitled on account of such injury or death to the benefits of this act shall not be a bar to a claim for benefits under this act; provided that claim under this act is filed within the time limits set forth in Section 296. If compensation is paid or awarded under this act:

1. The medical and related benefits furnished or paid for by the employer under such other workmen's compensation law on account of

such injury or death shall be credited against the medical and related benefits to which the employee would have been entitled under this act had claim been made solely under this act;

2. The total amount of compensation paid or awarded the employee under such other workmen's compensation law shall be credited against the total amount of compensation which would have been due the employee under this act, had claim been made solely under this act;

3. The total amount of death benefits paid or awarded under such other workmen's compensation law shall be credited against the total amount of death benefits due under this act.

(C) The recovery of any compensation benefits under the law of any other state shall bar any common law or statutory right of action for damages that an employee or his dependents might otherwise have had against the employer or the officers, directors or employees of the employer as a result of the injury or death on account of which such compensation benefits were paid.

(D) If, as a result of an employment principally localized in another state, an employee of an employer who would have been subject to this act had the contract of employment been entered into in this state for performance in this state, suffers injury or death as a result of an accident occurring in this state, compensation and medical, surgical and hospital benefits on account of such injury or death may be recovered under this act.

(E) As used in this section:

1. "United States" includes only the states of the United States and the District of Columbia;

2. "state" includes any state of the United States, or the District of Columbia;

3. A person's employment is principally localized in this or another state when his employer has a place of business in this or such other state and he regularly works at or from such place of business, or if he is domiciled and spends a substantial part of his working time in the service of his employer in this or such other state;

4. An employee whose duties require him to travel regularly in the service of his employer in this and one or more other states may, by written agreement with his employer, provide that his employment is principally localized in this or another such state, and, unless such other state refuses jurisdiction, such agreement shall be given effect under this act.

Section 2. Subsection (d) of Section 262, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

(d) The term "employer" as used herein shall mean every person not excluded by Section 263 of this title who employs another to perform a service for hire and to whom the "employer" directly pays wages, and shall include any person or corporation, co-partnership, or association, or group thereof, and shall, if the employer is insured, include his insurer, as far as applicable, and shall not include one who regularly employs a number less than three in any business; however notwithstanding any section of articles 1 and 2 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the "employer" of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

Section 3. Section 263, Title 26, Code of Alabama 1940, as last amended, is hereby amended as follows:

Section 263. Articles 1 and 2 of chapter not applicable to certain employments. Articles 1 and 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to his chapter, or to persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer, who regularly employs less than three employees in any one business or to any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district. Any employer who regularly employs less than three employees in any one business, any farmer, or any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district may accept the provisions of articles 1 and 2 of this chapter by filing written notice thereof with the Department of Industrial Relations, a copy thereof to be posted at the place of business of said employer and provided further, that any employer who has so elected to accept the provisions of articles 1 and 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

Section 4. Section 272, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 272. Excluding other remedies.

The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death; and except as herein provided in article 1 and article 2 (as the case may be) of this chapter, no employer included within the terms of this chapter, shall be held civilly liable for any personal injury to or death of any workman is due to accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law.

Section 5. Section 279, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 279. Compensation shall be payable as follows:

(A) Temporary Total Disability.

For injury producing temporary total disability, sixty-six and two-thirds percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if at the time of injury the employee received average weekly earnings of less than the minimum stated in section 289 of this title, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, not, however, beyond three hundred weeks. Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(B) Temporary Partial Disability.

1. In general.

In all cases of temporary partial disability the compensation shall be sixty-six and two-thirds percent of the difference between the average

weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, not however, beyond three hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in section 289 of this title.

2. When partially disabled employee leaves first employment.

If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(C) 1. Permanent Partial Disability.

For permanent partial disability the compensation shall be based upon the extent of such disability. In cases included in the following schedule the compensation shall be sixty-six and two-thirds percent of the average weekly earnings, during the number of weeks set out in the following schedule:

For the loss of a thumb, sixty-two weeks.

For the loss of a first finger, commonly called index finger, forty-three weeks.

For the loss of a second finger, thirty-one weeks.

For the loss of a third finger, twenty-two weeks.

For the loss of a fourth finger, commonly called little finger, sixteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered as equal to the loss of one-half of such thumb, or finger, and compensation shall be paid at the prescribed rate during one-half of the time specified above for such thumb or finger.

The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, thirty-two weeks.

For the loss of any of the toes other than the great toe, eleven weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be paid at the prescribed rate during one-half the time prescribed above for such toe.

The loss of two or more phalanges shall be considered as the loss of entire toe.

For the loss of a hand, one hundred seventy weeks.

For the loss of an arm, two hundred twenty-two weeks.

For the loss of a foot, one hundred thirty-nine weeks.

Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

For the loss of a leg, two hundred weeks.

For the loss of an eye, one hundred twenty-four weeks.

For the complete and permanent loss of hearing in both ears, one hundred sixty-three weeks.

For the complete and permanent loss of hearing in one ear, fifty-three weeks.

For the loss of an eye and a leg, three hundred and fifty weeks.

For the loss of an eye and one arm, three hundred and fifty weeks.

For the loss of an eye and a hand, three hundred and twenty-five weeks.

For the loss of an eye and a foot, three hundred weeks.

For the loss of two arms, other than at the shoulder, four hundred weeks.

For the loss of two hands, four hundred weeks.

For the loss of two legs, four hundred weeks.

For the loss of two feet, four hundred weeks.

For the loss of one arm and the other hand, four hundred weeks.

For the loss of one hand and one foot, four hundred weeks.

For the loss of one leg and the other foot, four hundred weeks.

For the loss of one hand and one leg, four hundred weeks.

For the loss of one arm and one foot, four hundred weeks.

For the loss of one arm and one leg, four hundred weeks.

For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, sixty-six and two-thirds percent of the average weekly earnings for such period as the court may determine, not exceeding one hundred weeks.

When a permanent partial disability, the number of weeks compensation for which is scheduled in this subsection (C) 1, follows or accompanies a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

## 2. Concurrent injuries.

Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation, only for the injury which entitled him to the largest amount of compensation, but this section shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

## 3. Loss of use of a member.

In all cases the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member but in such cases the compensation in and by said schedule shall be in lieu of all other compensation except as otherwise provided herein. In case of permanent disability, due to injury to a member resulting in less than total loss of use of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member, which the extent of the injury to the member bears to its total loss.

## 4. Employee refusing employment.

If an injured employee, refuses employment suitable to his capacity, offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

## 5. Permanent partial maximum and minimum.

All compensation provided in subsection (C) of this section for loss of members, or loss of use of members, is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 289 of this title.

## 6. All other permanent partial.

In all other cases of permanent partial disability not above enumerated, the compensation shall be sixty-six and two-thirds percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition subject to the same maximum weekly compensation as stated in section 289 of this title. When a permanent partial disability, compensation for which is not calculated by use of the schedule in Section 279(C)1, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, not however, beyond three hundred weeks.

## 7. Affidavit of new employment.

In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subsection (B).

## (D) 1. Permanent Total.

For permanent total disability as defined in subsection (E) sixty-six and two-thirds percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly com-



pensation as stated in section 289 of this title; provided that, if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 289 of this title, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in subsection (E). Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be unless the parties otherwise agree. Such payments, with the approval of the circuit judge, or by agreement of the parties, may be made monthly or quarterly or otherwise as the parties may agree.

2. At any time the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend, or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and if the court is so satisfied after a hearing, shall alter, amend or revise the award accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee, and if the employer terminates the payment of such benefits, the employee may within one year of the last payment petition the court to reinstate such benefits and upon a showing that such permanent total disability still exists shall be entitled to have such benefits reinstated effective the date of last payment.

### 3. Employee inmate of public institution.

In case an employee, who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 280 and 281 of this title, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subsection shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution.

Provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 280 and 281 of this title from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institution. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay for the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payments shall be directly paid to said guardian.

### (E) 1. Permanent Total Disability Defined.

The total and permanent loss of sight of both eyes, or the loss of both arms at the shoulder, or any physical injury or mental impairment resulting from an accident which injury or impairment permanently and totally incapacitates the employee from working at and being retrained

for gainful employment shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided however, any employee, whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

2. Second permanent injury resulting in permanent total disability—first injury not in same employment.

If an employee receives a permanent injury as specified in this section after having sustained another permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, however, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

3. Second permanent injury in same employment resulting in permanent total disability.

If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

4. Effect of rehabilitation or recovery on permanent total disability benefits.

In the event an employee who is receiving benefits for permanent total disability shall as a result of physical or vocational rehabilitation, or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, however, at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to  $66\frac{2}{3}$  percent of the difference, subject to each of the following limitations: (a) The employer's liability for the payment of  $66\frac{2}{3}$  percent of such difference shall continue for two hundred weeks from the date of re-employment or three hundred weeks from the date of injury, whichever is the longer period; (b) In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and (c) No payments shall be due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

#### 5. Affidavit of gainful employment.

In the event an employee who is receiving benefits for permanent total disability shall as the result of physical or vocational rehabilitation, or otherwise, obtain gainful employment, other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished.

#### (F) 1. Second permanent injury.

If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident such as is specified in the sections herein defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

#### 2. Benefits not concurrent; exceptions.

If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the latter injury be a permanent injury, such as specified in this section; but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under articles 1 and 2 of this chapter. If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of (F)1, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding seven hundred weeks.

#### (G) Compensation for Death after Disability.

In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and during the period of disability caused thereby death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workman who has sustained a permanent partial or permanent total disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom, the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, not exceeding, however, whether or not the decedent employee was receiving compensation for permanent total disability, the amount that would have been due the surviving spouse and/or dependent children if death had resulted proximately from the injury. Except as provided in this subsection (G), no benefits shall be payable on account of death resulting proximately or not proximately from an injury, on account of which compensation is being paid to an employee.

(H) Hernia.

In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

- (a) That there was an injury resulting in hernia.
- (b) That the hernia appeared suddenly.
- (c) That it was accompanied by pain.
- (d) That the hernia immediately followed an accident.
- (e) That the hernia did not exist prior to the accident for which compensation is claimed.

All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease, or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(I) Average Weekly Earnings Basis of Benefits.

Compensation hereunder shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer, or the casual nature or terms of the employment, it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. Whatever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract, they shall be deemed a part of his earnings.

Section 6. Section 283, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 283. Death compensation.

In death cases where the death results proximately from the accident within three years, compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto without administration, or to a guardian or such other person as the court may direct, for the use and benefit of the person entitled thereto.

(A) Persons Entitled to Benefits.

1. If the deceased employee leaves one dependent, there shall be paid to the dependent fifty percent of the average weekly earnings of the deceased.

2. If the deceased employee leaves two or more dependents, there shall be paid to the dependents sixty-six and two-thirds percent of the average weekly earnings of the deceased.

3. If one of two or more dependents is a widow or widower, the compensation may be paid to the widow or widower for the benefit of herself or himself and the dependent child or children. In its discretion and when it considers appropriate to do so, the court shall at any time have the power to determine, without the appointment of any guardian or guardians, what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian or custodian of such child or children.

4. Partial dependents shall be entitled to receive only that proportion of the benefits provided for total dependents, which the average amount of the earnings regularly contributed by the deceased employee to such partial dependent, at and for a reasonable time immediately prior to the injury, bore to the total income of the dependent during the same time. If there is one dependent and one or more partial dependents, and the dependent is not entitled to the maximum amount of compensation as provided in section 289 of this title, there shall be paid to the partial dependent or partial dependents that percent of the benefit paid to a full dependent which the contribution of the decedent to the partial dependent's support bears to the total income of the partial dependent; provided however, the compensation payable to such partial dependent or dependents shall not exceed the lesser of  $16\frac{2}{3}$  percent of the decedent's average weekly wage or the difference between the compensation payable to the full dependent and the maximum weekly compensation benefit payable as provided in Section 289.

5. If compensation is being paid under this article to any dependent, such compensation shall cease upon the death or marriage of such dependent, unless otherwise provided in this article.

Upon the cessation of compensation to or for any dependent, for any cause, the compensation of the remaining dependents entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which would have been payable to them had they been the only persons entitled to compensation at the time of death of the deceased employee.

(B) Maximum and Minimum Death Compensation.

The compensation payable in case of death to persons wholly dependent shall be subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if at the time of injury the employee receives earnings of less than the minimum stated in section 289 of this title, then the compensation shall be the full amount of such earnings per week. The compensation payable to partial dependents shall be subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if the income loss of said partial dependents by such death is less than the minimum weekly compensation stated in section 289 of this title, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency, not exceeding five hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be unless the parties otherwise agree.

Section 7. Section 289, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 289. Limitations on compensation.

(A) With respect to injury or death resulting from an accident occurring after the effective date of this act and before July 1, 1976, the compensation paid hereunder shall be not less than, except as otherwise provided herein, twenty-five percent of the average weekly wage of the state for calendar year 1974 as determined by the director of industrial relations (rounded to the nearest dollar), and in any event no more than 66-2/3 percent of such average weekly wage of the state.

(B) With respect to injury or death resulting from an accident occurring on or after July 1, 1976, the compensation paid hereunder shall be not less than, except as otherwise provided herein, twenty-five percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subparagraph (C) of this Section 289, and in any event no more than sixty-six and two-thirds percent of such average weekly wage.

(C) For the purpose of this act the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12 months period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following thirty (30) days after such determination is made.

(D) The maximum and minimum weekly benefit shall not be changed on any July 1, or as a result of any annual determination, unless the compensation hereinabove provided results in an increase or decrease of \$2.00 or more in the amount of either the maximum or minimum benefit.

(E) In no event, except as provided for permanent total disability in Section 279(D)1 or except for compensation benefits payable for permanent partial and temporary total disability in connection with a disability scheduled in Section 279(C)1, shall the total amount of compensation payable for any accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

(F) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.

Section 8. Section 293, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 293. Medical, surgical, hospital service, and vocational rehabilitation.

1. In addition to the compensation herein provided, the employer shall pay the actual cost of the repair, refitting or replacement of artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost

of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, original artificial members, and other apparatus, as may be obtained by the injured employee, or in case of death, obtained during the period occurring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, the employee may so advise the employer and in such event the employee shall be referred to a second physician selected by the employer; if the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer and in such event the employee shall be referred to a third physician selected by the employer. In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be referred to a second surgeon selected by the employer; if the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer and in such event the employee shall be referred to a third surgeon selected by the employer. The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding, or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the jury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer, furnish to such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same. Physicians include medical doctor, surgeon and chiropractor.

## 2. Vocational Rehabilitation.

(a) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a

vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee, who is unable in the opinion of the treating physician to return to his former employment, shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

(b) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal.

Section 9. Section 299, Title 16, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 299. Payment in lump sum. By agreement of the parties and with approval of the court, the amounts of compensation payable periodically hereunder may be commuted to one or more lump sum payments. No such commutation shall be approved by the court unless the court is satisfied that it is in the best interest of the employee or the employee's dependents, in case of death, to receive the compensation in a lump sum rather than in periodic payments. In making such commutations, the lump sum payment shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six percent basis.

Section 10. Section 312, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 312. Liability of party other than employer and procedure governing.

Where the injury or death for which compensation is payable under article 2 of this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer whether or not such party be subject to the provisions of article 2 of this chapter the employee, or his dependents in case of his death, may proceed against the employer to recover compensation under article 2 of this chapter, or may agree with the employer upon the compensation payable under article 2 of this chapter, and at the same time may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to article 2 of this chapter; provided, however, neither an officer, director, agent, servant or employee of the same employer nor his personal representative, shall be considered a party other than the employer against whom such an action may be brought. If the injured employee, or in case of his death his dependents, recover damages against such other party the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under article 2 of this chapter there shall be no further liability on the employer to pay compensation on account of such injury or death, and the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death. If the employee, who re-



covers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be entitled to reimbursement for the amount of such compensation theretofore paid and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recovery (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled. In the event the injured employee, or in case of his death, his dependents, do not file suit against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring suit against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee, or his dependents, or in the event a proceeding is pending against the employer to require the payment of such compensation, such suit may be maintained either in the name of the injured employee, or in case of his death in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such suit are in excess of the compensation payable by the employer under article 2 of this chapter and costs, attorney's fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee or in case of his death for his dependents. In the event such injured employee has no dependents, his personal representative in the event of his death may bring suit against such other party to recover damages without regard to article 2 of this chapter. In any settlement made under this section with a negligent third party by the employee, or in case of his death, by his dependents, the employer shall be liable for that part of the attorney's fees incurred in the settlement with the third party, either with or without suit, in the same proportion that the amount of the reduction in the employer's liability to pay compensation bears to the total recovery had from such third party.

Section 11. Section 7 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 7. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parents, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contraction of the disease of occupational pneumoconiosis and on account of any injury, disability, loss of service or death resulting from the disease of occupational pneumoconiosis; and except as herein provided in this article, no employer included within the terms of this chapter, shall be held civilly liable for the contraction of the disease of occupational pneumoconiosis, or for injury, disability, loss of service or death of any employee due to occupational pneumoconiosis, while engaged in the service or business of the employer, the cause of which occupational pneumoconiosis originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law.

Section 12. Section 13 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 13. Compensation payable under this article.

The compensation payable for death or disability caused by pneumoconiosis shall be computed in the same manner and in the same

amounts as provided in Chapter 5 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits. The date of injury as defined in Section 11 of Act No. 180, as amended, shall be considered the date of accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for occupational pneumoconiosis.

Section 13. Section 17 of Act No. 180 adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 17. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 180, as amended, unless otherwise provided or inconsistent herewith.

Section 14. Section 6 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 6. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of occupational exposure to radiation and on account of any injury, disability, loss of service or death resulting from occupational exposure to radiation; and except as herein provided in this article, no employer included within the terms of this chapter, shall be held civilly liable for the occupational exposure to radiation or for injury, disability, loss of service or death of any employee due to occupational exposure to radiation while engaged in the service or business of the employer, the cause of which occupational exposure to radiation originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law, provided, however, nothing herein shall be interpreted so as to deprive an employee, or in case of death, his dependents, of any rights or remedies he may have under Articles 1 and 2 of the Workmen's Compensation Act.

Section 15. Section 12 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 12. Compensation payable under article.

The compensation payable for death or disability caused by occupational exposure to radiation shall be computed in the same manner and in the same amounts as provided in Chapter 6 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said exposure shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits. The date of injury as defined in Section 10 of Act No. 521, as amended, shall be considered the date of accident for determining the applicable medical, surgical, and hospital benefits, the minimum and maximum weekly benefits and the limi-

tation on the total amount of compensation payable for occupational exposure to radiation.

Section 16. Section 16 of Act No. 521 adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 16. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 521, as amended, unless otherwise provided or inconsistent herewith.

Section 17. Section 6 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 6. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contraction of an occupational disease as defined in this article and on account of any injury, disability, loss of service or death resulting from an occupational disease as defined in this article; and except as herein provided in this article, no employer included within the terms of this chapter, shall be held civilly liable for the contraction of an occupational disease as defined in this article, or for injury, disability, loss of service or death of any employee due to an occupational disease, while engaged in the service or business of the employer, the cause of which occupational disease originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law.

Section 18. Section 12 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 12. Compensation payable under article.

Compensation payable for death or disability caused by an occupational disease as defined in this article shall be computed in the same manner and in the same amounts as provided in Chapter 6, Title 26, Code of Alabama 1940, as amended, for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 6, Title 26, Code of Alabama 1940, as amended, for computing like benefits. The date of injury as defined in Section 10 of Act No. 668, as amended, shall be considered the date of accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for such occupational disease.

Section 19. Section 16 of Act No. 668 adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 16. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be ap-

plicable to Act No. 668, as amended, unless otherwise provided or inconsistent herewith.

Section 20. The provisions of this act shall be applicable with respect to all accidents occurring after the act shall become effective, except that the provisions of Section 9 amending Section 299 of Title 26, as last amended shall apply to all cases or proceedings pending at the time the act becomes effective or thereafter commenced.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this Act are repealed.

Section 23. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, Section 3 amending Section 263 of Title 26, as last amended, shall become effective no sooner than 60 days after September 30, 1975 in keeping with the provisions of Act No. 565 of the 1975 Regular Session of the Legislature of the State of Alabama.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Morris:

H. 39. Relating to the locations of liquor stores; to amend Code of Alabama 1940, Title 29, Section 73, to exempt cities having populations of not less than 12,350 nor more than 12,370 inhabitants therefrom.

Also:

By Messrs. Coburn and Goodwin:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

Also:

By Mr. Owens:

H. 100. To amend Section 1 of Act No. 812, H. 1831, 1975 Regular Session of the Legislature, relating to clerk hire allowances for the tax assessor and tax collector in all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent decennial census so as to provide further for the amounts of such allowances.

Also:

By Mr. Campbell:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Also:

By Mr. Dial:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Also:

By Mr. Dial:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

By Messrs. Clark and Manley:

H. 139. Relating to counties having populations of 10,660 or less inhabitants according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in such counties.

Also:

By Mr. Johnson:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Also:

By Messrs. McMillan and Kinsey:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

By Messrs. Kinsey and McMillan:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Also:

By Messrs. Crawford, Whatley, Folmar and Sasser:

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF BARBOUR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit.

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County, said municipality, in addition to the lands now included, all of the following territory, to-wit:

Be It Enacted by the Legislature of Alabama.

Section 1. The boundary lines and corporate limits of the municipality of Eufaula in Barbour County are hereby altered, rearranged and extended so as to include within the corporate limits of U. S. Highway No. 431; thence East along present city limit line North of Old Creek Town Road to the point of beginning. Being bounded on the West and South by present city limit line; on the North by property of Jones and Reeves; and on the East by property of U. S. Government.

Beginning at the intersection of the present city limit, 500 feet North of the Old Creek Town Road, and the U. S. Government property line between the U. S. Corps of Engineers Permanent Reference Monuments 21-A and 21-B; thence North 03 degrees 34 minutes East 1274.9 feet to monument 21-B; thence in a Westerly direction parallel to city limit line North of Old Creek Town Road a distance of 4300 feet, more or less, to present city limit line East of

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
BARBOUR COUNTY

Before me, Wilma Jinks, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper Four (4) times, the same appearing in the issues dated: September 9, 16, 23, 30, 1975.

Sworn to and subscribed before me this the 30th day of September, 1975.

WILMA JINKS,  
Notary Public, Barbour Co., Ala.

Also:

By Messrs. Carter and Moore (W):

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act

Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

Also:

By Messrs. Carter and Moore (W):

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 39, 98, 100, 132, 135, 136, 139, 153, 160, 178, 182, 184 and 186. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Ford and Taylor:

H. 1. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To create a board of trustees of the policemen and fireman's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Bt It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the Mayor of the City of Gadsden; the Commissioner of Public Works of the City of Gadsden; the chief of the police department, the chief of the fire department; one first-class patrolman of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one first-class fireman to be elected for a four year term within thirty (30) days after the enactment of this act by simple majority vote of the fire department; all of whom shall serve without compensation. In the event of a vacancy in either of the latter two positions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

All proposed rules and regulations by the board of trustees necessary to carry into execution the purposes for which it was organized and created shall be posted in all police and fire stations in the City of Gadsden at least ten (10) days before said trustees shall consider or take action either in favor or against said rules and regulations.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of twenty-five (\$25.00) dollars per month or such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city,



to be paid on the first day of each month by warrant drawn in like manner as other warrants on such funds. The secretary-treasurer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund, and provided further that any such delegation of custodial care shall not become effective until written notice of such delegation is posted in all police and fire stations of said city, and after ten (10) days notice thereof an election is held in each of said departments, in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.
2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.
3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized and created, and to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments, in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote

in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

This section of the act shall be considered subordinate to Sections 2 and 4 and those sections shall prevail.

1. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; and additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized and unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police department's pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10 per cent) of the monthly salaries of each member of the police and the fire departments, shall be paid by the city clerk to the secretary-treasurer of the board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from the salaries paid each member. The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions be employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

2. All monies or properties that may be given or donated to said fund by any persons, firm association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining such pictures, report copies, and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city's police department and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city's police department shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police departments' pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10 percent) of the monthly salaries of each member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from said salaries paid each member. The governing body of the said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire department who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon the recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Existing funds and property belonging to or part of any existing similar fund in said city to which this act applies and hereby brought under this act shall be hereafter governed by the provisions of this act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law becoming effective.

Section 7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any stock, security, investments, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to forty percent (40 percent) of the total assets of the pension fund in such classes of bonds,

mortgages, common and preferred stock or other investments as are allowed by the laws of Alabama to domestic life insurance companies, or by a majority vote of policemen and firemen up to 100 percent of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments shall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

This section of the act shall be considered subordinate to Section 4 and Section 4 shall prevail.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicuous place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trustees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such fund shall be charged against the members of said board of trustees.

This section of the act shall be subordinate to Section 4 and Section 4 shall prevail.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of \$700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning prorated payments shall not be

interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. 1. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired before, on, or after October 1, 1975 as follows:

(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$10,000 a year may have their benefits reduced by thirty percent.

(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$7,500 but less than \$10,000 a year may have their benefits reduced by twenty percent.

(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$5,000 but less than \$7,500 may have their benefits reduced by ten percent.

Provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of Section 12 Subsection 1.

2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, State of Alabama, any county or municipality therein, political subdivision, Board of Education (state or local) or any institution supported in whole or part by government funds (local, state or federal), without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon written application to the board of trustees, therefore shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years effective June 1, 1980, may then retire at 55 percent of his or her salary not to exceed \$5,000.00 per year. Also, any person employed on or before June 1, 1975,

who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60 percent of his or her salary not to exceed \$6,000.00 per year, in no instance however, may any employee be eligible to retire at 55 percent of his or her salary not to exceed \$5,000.00 per year until or unless on June 1, 1980, he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60 percent of his or her salary not to exceed \$6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) consecutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this Section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any members thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money herein-after provided for his, or her, particular position, office, salary, or class of work.

Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later or for reasons of disability) be paid a retirement benefit of 50 percent of the salary he or she was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1980, shall be paid a retirement benefit of 55 percent of the salary (not to exceed \$5,000.00) he or she was receiving at the time of retirement - effective date June 1, 1980. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60 percent of the salary (not to exceed \$6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his or her retirement benefit, which he or she is now receiving.

Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the approval, up to a maximum of 20 percent of any increase in salary accorded active members.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant to determine disability and the trustees shall select one and if any dispute, may select a third. After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the findings of the physicians are such that they affirm that the retired disabled member is capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to reinstatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the original petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the payment from said fund, to said widow or widower, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.



Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of any active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100 percent of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100 percent of all amounts he or she has contributed plus an amount equal to 1 percent per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100 percent of all amount he or she has contributed plus amount equal to 2 percent per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefore he may be not less than twenty-one (21) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identifications officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the

city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshall or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date or entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary of compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's retirement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,  
Notary Public.

Also:

By Mr. Merrill:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Also:

By Messrs. Holley and Folmar:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Also:

By Messrs. Holley and Folmar:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

Also:

By Messrs. Holley and Folmar:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Also:

By Mr. Drake:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

By Mr. Drake:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Also:

By Messrs. Killian and Mitchem:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

By Messrs. Killian and Mitchem:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1, 12, 13, 14, 16, 20, 21, 32 and 33. To the Committee on Local Legislation No. 1.

(The above-numbered Bill, H. B. 13, was read a first time at length as required by the Constitution.)

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Leonard:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Also:

By Messrs. Waggoner and Biddle:

H. 67. Providing further for the administration of justice in counties having populations of six hundred thousand or more according to the most recent federal decennial census, specifically further regulating the jurisdiction and the cost and charges of inferior civil courts in such counties.

Also:

By Messrs. Gafford, Biddle, Moore (O), Jolly, Trammell, Falkenburg, Howard, Andrews, Waggoner, White, Hopping and Armstrong:

H. 72. Relating to any county having a population of 600,000 or more according to the most recent federal decennial census; providing for the election of constables in any such county.

Also:

By Messrs. Armstrong, Boles, Hall, Tucker, Trammell, Falkenburg, Hilliard, Waggoner, Jackson (R) and Howard:

H. 131. To fix supplemental salaries for each circuit clerk and each deputy circuit clerk elected by the people in counties having a population of not less than 600,000 according to the most recent Federal decennial census.

Also:

By Messrs. Hill and Greer:

H. 226. Relating to all counties having populations of not less than 65,000 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a

citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Also:

By Mr. Armstrong:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for collection and disposal of garbage and districts for both of the aforesaid purposes.

Also:

By Messrs. Starkey, Killian and Lutz:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF JACKSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman of the Board of Revenue of Jackson County may be paid a monthly allowance of not more than \$100 for each month remaining of the current term of said chairman, as an expense allowance to compensate him for his travel and other incidental expenses in and about the performance of his duties. This allowance shall be paid monthly out of the general fund in the same manner that present allowances are paid and shall be in addition to all other amounts now paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this Act shall become null and void and of no further effect at the end of the current term of the chairman of the Board of Revenue.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karen Hagggar, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Bookkeeper of the Jackson County Advertiser, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 3-6, 3-13, 3-20, and 3-27, all in the year 1975.

KAREN HAGGAR.

Sworn to and subscribed before me Oct. 30th, 1975.

JERRY J. GENTLE.  
Notary Public.

My Commission Expires 10-18-78.

Also:

By Messrs. Lutz and Starkey:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Also:

By Messrs. Venable and Plaster:

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The license inspector of Elmore County shall receive a travel expense allowance of \$15.00 per day for any day the license inspector travels for the purpose of contacting mobile home owners who are delinquent in paying their taxes and purchasing their tags. This expense shall be paid out of the county general fund and shall be in addition to any and all other compensation; expenses and allowances provided for by law.

Section 2. The license inspector shall be required to furnish proof of such travel to the Probate judge of Elmore County in the form of a sworn affidavit that the license inspector worked and traveled on a given date.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ELMORE

Before me, the undersigned authority in and for said County in said State, this day personally appeared John P. Harris, who being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 11, Sept. 18, Sept. 25, and Oct. 2, all in the year 1975.

JOHN P. HARRIS.

Sworn to and subscribed before me October 2, 1975.

MRS. ELLEN T. HARRIS,  
Notary Public.

Also:

By Messrs. Rich and Ford:

H. 198. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the



area which he serves. The term of office of the superintendent of education shall be six (6) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take a leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited professional education equivalent to graduation from a standard university or college, having a master's degree, plus thirty (30) or more semester hours (or the equivalent) of successfully completed study at an accredited institution of higher learning on a graduate level, after having received a master's degree. (The last requirement is commonly referred to as the A. A. certificate.) Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The superintendent shall also have all duties heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education and the assistant superintendent of education shall be fixed by the county board of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent of assistant superintendent of education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. Act No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. It is intended that the provisions of this act relatively to election of the superintendent shall be in effect at the primary and general election at which the term beginning January 1, 1977 shall be filled.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter Betz, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 14, July 20th, and July 27th, all in the year 1975.

WALTER BETZ.

Sworn to and subscribed before me 28th July, 1975.

PEGGY CULBERSON,  
Notary Public.JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 46, 67, 72, 131 and 171. To the Committee on Local Legislation No. 2.

H. B.'s 226, 30, 172, 167 and 198. To the Committee on Local Legislation No. 1.

## FURTHER CONSIDERATION OF S. B. 80

The Senate proceeded to further consideration of the Bill, S. B. 80. The question was on the substitute offered by Mr. Baker.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carter and Moore (W):

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Also:

By Messrs. Rich and Taylor:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative,

except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Also:

By Messrs. Weeks and McNees:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Also:

By Mr. Sasser:

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MORGAN**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15 and 21 of Act No. 324, H. 784, Regular Session of 1965 (Acts Regular Session 1965, p. 443), which establishes a merit system for the City of Decatur, are hereby amended to read as follows:

"Section 15. Absences; Hours of Work. Rules shall be adopted in the manner hereinbefore provided prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover such matters as vacations, holidays, sick leaves, leaves for military service, and leaves granted so that the employee can seek election to public office in Morgan County.

"Section 21. Political Activities Prohibited. No person holding a position in the classified service shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person holding a position in the classified service shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a

position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee holding a position in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of an employee holding a position in the classified service. No employee holding a position in the classified service shall be a candidate for nomination or election to any public office in Morgan County or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote, unless on authorized leave of absence for such purpose. Any person holding a position in the classified service who violates any provision of this section may be disciplined by dismissal, suspension without pay, or demotion as provided in Section 17 of this act. In addition, any person, including but not limited to persons holding a position in the classified service (irrespective of whether or not such persons holding a position in the classified service have or have not theretofore been disciplined therefor as hereinbefore provided) who wilfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 25, Sept. 1, Sept 8, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me, September 15, 1975.

ELIZABETH D. SANDLIN,  
Notary Public.

Also:

By Messrs. Hill and Greer:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act to provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Also:

By Messrs. Callahan, Sandusky and Sonnier:

H. 112. To repeal Act No. 933, H. 781 of the Regular Session of the Legislature of 1975, approved October 9, 1975 (M.S.) entitled: "An Act,

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the county-wide Civil Service System in Mobile County."

Also:

By Messrs. Callahan, Sandusky and Sonnier:

H. 113. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Also:

By Messrs. Callahan, Sandusky, McMillan, Johnstone, Sonnier, Malone, McCulley, Kennedy, Cooper, Glass and LeFlore:

H. 114. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Also:

By Messrs. Callahan, Sandusky and Sonnier:

H. 116. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Also:

Mr. Messrs. Harris, Lewis, Holmes, Barron, Wyatt and Plaster:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 187, 201, 217, 227, 112, 113, 114, 116 and 73. To the Committee on Local Legislation No. 1.

H. B. 195. To the Committee on State Government.

#### FURTHER CONSIDERATION OF S. B. 80

The Senate proceeded to further consideration of the Bill, S. B. 80. The question was on the substitute offered by Mr. Baker.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hines:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

Also:

By Messrs. Barron, Wyatt, Plaster and Lewis:

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing supplemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges," so as to make the provisions of the Act apply to circuits composed of one county having not less than eight nor more than twelve circuit judges.

Also:

By Messrs. Baker, Smith (M), Whatley and Turnham:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 179 and 188. To the Committee on Local Legislation No. 1.

H. B. 53. To the Committee on State Government.

#### FURTHER CONSIDERATION OF S. B. 80

The Senate proceeded to further consideration of the Bill, S. B. 80. The question was on the substitute offered by Mr. Baker.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Rich:

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

With notice and proof thereto attached and herewith exhibited as follows:

## 1. PUBLIC NOTICE

## NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 626, H. 815, approved September 8, 1967, is hereby amended to read as follows: "The Board of Revenue or other like Governing body of Cherokee County, Alabama, is required, authorized, and empowered to provide sufficient clerks, deputies and assistants to the following named officers of Cherokee County, Alabama: Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge, Sheriff and Deputy Solicitor.

Each of the foregoing named officers shall select their respective clerks, deputies and other assistants and shall fix their compensation subject to the prior approval of the Board of Revenue or other like Governing body of Cherokee County, Alabama.

Each of the foregoing named officers shall have the right to discharge their respective clerks, deputies and assistants at will. The salary or compensation of each of the clerks, deputies and assistants shall be paid in equal monthly installments out of the General Fund of Cherokee County, Alabama, upon separate Warrants drawn in the same manner as other employees of Cherokee County, Alabama, are paid.

Section 2. Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243) as amended, is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, Lois M. Fleming a Notary Public in and for said county in said state personally appeared Joe Shaw, Jr. who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill as published in said newspaper once a week for four consecutive weeks, beginning on the 2nd day of July, 1975, July 9, 1975, July 16, 1975, July 23, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 4th day of July, 1975.

LOIS FLEMING,  
Notary Public.

Also:

By Mr. Rich:

H. 225. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

#### A BILL TO BE ENTITLED AN ACT

Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One half of all fines hereafter paid by persons convicted in the Cherokee County Court of violations of the rules of the road, or



laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this state, in cases filed by any Alabama State Trooper, shall be paid into the fine and forfeiture fund of Cherokee County, Alabama, and the remainder shall be paid by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Lois M. Fleming a Notary Public in and for said county in said state personally appeared Joe Shaw, Jr. who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, July 2, 1975, July 9, 1975, July 16, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 4th day of November, 1975.

LOIS FLEMING,  
Notary Public.

Also:

By Messrs. Rich and Taylor:

H. 212. Relating to all counties having a population of 90,000 to 100,000, in the most recent Federal Decennial census: To provide for the distribution of fines in certain cases.

Also:

By Messrs. Johnson and Robertson:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

Also:

By Mr. McCluskey:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 in-

habitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Also:

By Mr. McCluskey:

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, circuit clerk, tax assessor, and tax collector of Coosa County shall receive in equal monthly installments from the general fund of the county the following annual salaries:

- (a) Probate Judge 18,000.00
- (b) Tax Assessor 15,000.00
- (c) Tax Collector 14,000.00
- (d) Circuit Clerk 16,000.00

(When also serving as register; provided when not serving as register he shall receive a salary of \$13,000.00).

Such salaries shall be the entire compensation received by any of the above county officers for his services in any official or ex-officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to any such officers.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of said officers, shall hereafter be collected and paid into the general fund of the county.

Section 3. The governing body of Coosa County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such

conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act shall become effective as to each of the above named officers at the expiration of the term of office of the incumbent provided an amendment to the Constitution has been adopted prior thereto authorizing a law regulating the compensation of certain officers of Coosa County.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 29, October 6, October 13, and October 20, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me 21st day of October, 1975.

LEE D. GREER,  
Notary Public.

Also:

By Mr. McCluskey:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Also:

By Messrs. Sonnier, Sandusky, Callahan, Cooper and Kennedy:

H. 130. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Also:

By Messrs. Campbell, McCorquodale, Dial, Owens, Manley, Lockett, Edwards, Clark, Pegues, Robertson and McCulley:

H. 133. To name that portion of U.S. Highway 11 that is within Sumter County the "Livingston University Highway".

Also:

By Messrs. Smith (M), Higginbotham and Turnham:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 213, 225, 212, 203, 205, 207 and 130. To the Committee on Local Legislation No. 1.

H. B. 151. To the Committee on Judiciary.

H. B. 133. To the Committee on State Government.

H. B. 240. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr Armstrong:

H. J. R. 31. WHEREAS, The Department of Public Safety for many years has maintained and operated in the Bessemer Division of the Jefferson County Court House an office for the purpose of administering driver's license examinations serving the entire Bessemer Cut-off area of Jefferson County, which represents a population of 170,000, and;

WHEREAS, This service has been and is deemed a vital necessity for the citizens of said Bessemer Cut-off, and;

WHEREAS, It has come to the attention of citizens in the Bessemer Cut-off area that the Department of Public Safety is considering abolishing the said office for testing applicants for issuance of driver's license.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the director of the Department of Public Safety is hereby requested to continue the operation of this office and in the Court House of the Bessemer Division in Jefferson County as a convenience and necessity for the citizens thereof.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 31, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Waggoner:

H. J. R. 28. Providing for the continuation of the Joint Committee established by S. J. R. 97, Act No. 382, approved September 5, 1967, and continued by S. J. R. 101, Act No. 1046, approved September 12, 1969, and continued by H. J. R. 217, Act No. 2418, approved October 1, 1971, to study the problems of interstate and intrastate highway safety generally.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to S. J. R. 97, Act No. 382, approved September 5, 1967, and continued by S. J. R. 101, Act No. 1046, approved September 12, 1969, and continued by H. J. R. 217, Act No. 2418, approved October 1, 1971, and continued by H. J. R. 75, Act No. 1183, approved September 18, 1973, shall continue in existence and shall continue its work as directed in said Act No. 382. The committee shall make a report to the legislature before the 10th legislative day of the next regular session.

BE IT FURTHER RESOLVED, That the committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature and that in no event shall this resolution carry an appropriation of more than \$10,000.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 28, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## FURTHER CONSIDERATION OF S. B. 80

The Senate proceeded to further consideration of the Bill, S. B. 80. The question was on the substitute offered by Mr. Baker.

Mr. Baker then requested unanimous consent to withdraw said substitute, which was granted.

Mr. Shelby offered the following amendment to the Bill, S. B. 80, to-wit:

## AMENDMENTS TO S. 80

Amend S. 80, Synopsis, line 9, by striking out the words "his employer's compensation carrier" and inserting in lieu thereof the following:

acting in non-supervisory positions for such employees' employer

Amend S. 80, Title, lines 31, 32, and 33, by striking out the following words: "of the employer, to the employer's workmen's compensation insurance carrier" and inserting in lieu thereof the following:

not acting in supervisory positions for the employer

Also amend the Title, lines 32 and 33 by striking the following words, "certain persons or unions" and inserting in lieu thereof:

Unions and union representatives

#### AMENDMENTS TO S. 80

Amend Section 1, p. 2, subsection (C), lines 17 and 18 by striking out the following words and underlining: "or the officers, directors or employees of the employer"

Also amend Section 2, p. 3, lines 15 and 16 by striking out the following words and underlining: "such insurer being entitled to the employer's rights, immunities and remedies under this chapter,"

Also amend Section 4, p. 4, lines 18 and 19 by striking out the following words and underlining, "officer, director, agent, servant or", and inserting after the word employer on line 19 the following:

while acting in a non-supervisory position

Also amend Section 4, p. 4, lines 26, 27, 28 and 29 by striking out the following words and underlining: "any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend"

Also amend Section 5, sub-paragraph (E) 1., p. 11, line 26, and sub-paragraph (E) 4., p. 13, line 25, and sub-paragraph (E) 5., line 31 and line 34, by striking out the word "gainful" and inserting in lieu thereof:

suitable

Also amend Section 8, sub-paragraph 2 (a), p. 24, line 11, by striking out the word "gainful" and inserting in lieu thereof:

suitable

Also amend Section 10, p. 25, line 12 by striking out the words "officer, director, agent, servant or" and on line 13, inserting after the word employer the following:

not acting in a supervisory position

Also amend Section 10, p. 25, line 13 by striking out the following words and underlining: "nor any workmen's compensation insurance carrier of the employer, nor any officer, director, agent, servant or employee of such carrier,"

Also amend Section 11, p. 26, lines 36 and 37 by striking out the following words and underlining, "officer, director, agent, servant or", and inserting on line 37 after the word employer the following:

while acting in a non-supervisory capacity

Also amend Section 11, p. 27, lines 7, 8, 9 and 10 by striking out the following words and underlining: "workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any"

Also amend Section 14, p. 28, line 12, by striking out the following words and underlining: "officer, director, agent, servant, or", and inserting after the word employer on line 13 the following:

while acting in a non-supervisory capacity

Also amend Section 14, p. 28, lines 24, 25, and 26 by striking out the following words and underlining: "workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any"

Also amend Section 17, p. 29, lines 29 and 30 by striking out the following words and underlining: "officer, director, agent, servant or" and inserting after the word employer on line 30 the following:

while acting in a non-supervisory capacity

Also amend Section 17, p. 29, line 38, and p. 30, lines 1, 2 and 3 by striking out the following words and underlining: "workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any"

Also amend Section 20, p. 30, lines 36, 37, 38, and p. 31, line 1, by striking out the following words and underlining: ", except that the provisions of Section 9 amending Section 299 of Title 26, as last amended shall apply to all cases or proceedings pending at the time the act becomes effective or thereafter commenced."

Which was adopted.

Yeas 15; Nays 13.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, McMillan, Mitchell, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Waldrop, Wilson.

—15

*Nays:*

Messrs. Fine, Flipppo, Foshee, Gilmore, Givhan, King, Little, McDonald (S), Mims, Noonan, Powell, Torbert, Vacca.

—13

And said Bill, S. B. 80, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 12.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, McMillan, Mitchell, Owen, Pearson, Perloff, Roberts, Shelby, Stewart, Waldrop, Wilson.

—19

*Nays:*

Messrs. Fine, Flipppo, Gilmore, Givhan, Little, McDonald (S), Mims, Noonan, Powell, St. John, Torbert, Vacca.

—12

Mr. Stewart moved that the Senate reconsider the vote by which the Bill, S. B. 80, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### POINT OF PERSONAL PRIVILEGE

Mr. Roberts stated that had he been present when the Shelby amendment to the Bill, S. B. 80, was adopted, he would have voted "Nay".

Mr. Jones stated that had he been present when the Shelby amendment to the Bill, S. B. 80, was adopted, he would have voted "Nay".

### BILLS ON THIRD READING RESUMED

The Bill:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—26

Nays:

—0

The Bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—26

Nays: Messrs. Jones, Mims.

—2

The Bill:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S),



McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—30

*Nays:*

—0

*The Bill:*

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Waldrop, Wilson.

—28

*Nays:*

—0

*The Bill:*

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Wilson.

—25

*Nays:*

—0

The Bill:

S. 60. To amend Sections 2, 4, 5 and 7 of Act No. 1274, S. 311, Regular Session 1973 (Acts 1973, p. 2164), providing for the preservation, enhancement and development of the coastal areas of Alabama and establishing the Alabama Coastal Area Board so as to provide further for state policy, the activities to which this act shall not apply, the composition, appointments, meetings and functions of the board, and the permit applications.

was taken up.

Mr. Noonan offered the following amendment to the Bill, S. B. 60, to-wit:

#### AMENDMENT TO S. 60

Amend S. 60 as follows:

Amend Section 2, subparagraph (d), on page 2, by striking on line 18 the word engages and inserting in lieu thereof the word: engaged

Amend Section 4, subparagraph (d) on page 3, by striking on line 15 the word reparian and inserting in lieu thereof the word: riparian

Amend Section 4, subparagraph (j) on page 4, by striking on line 5 the word and inserting in lieu thereof the word.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 60, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Noonan, Owen, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—21

Nays:

—0

The Bill:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

Abstaining: Mr. Edwards.

—1

The Bill:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Re-compiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 26; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, St. John, Shelby Torbert, Vacca, Waldrop, Wilson.

—26

Nays: Messrs. Edwards, Stewart.

—2

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Perry:

S. 161. To make a conditional appropriation from the Special Educational Trust Fund in the state treasury to the use of the Board of Trustees of Southern Vocational College at Tuskegee.

Committee on Education.

By Mr. Little:

S. 162. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 163. Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, providing for the appointment, term of office, and compensation for a clerk of the court of general sessions in such counties.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 164. Relating to counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, providing that each judge of the court of general sessions of such counties is authorized to appoint one bailiff for the court, and providing for the term and compensation of such bailiff.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 165. Relating to probate judges; to provide for retirement of same after thirty four years' service; and for such purpose amending the Judicial Article Implementation Act.

Committee on Finance and Taxation.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 97. To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of expense allowances for such judges at the beginning of their next term of office.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 26; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Owens, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—26

**Nays:**

—0

On motion of Mr. Baker the Senate reconsidered the vote by which the above Bill, S. B. 97, was passed.

On motion of Mr. Baker the Senate reconsidered the vote by which the Bill, S. B. 97, was ordered to its third reading.

On motion of Mr. Baker, further consideration of the Bill, S. B. 97, was postponed temporarily.

**The Bill:**

S. 52. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

was taken up.

Mr. Mims offered the following amendment to the Bill, S. B. 52, to-wit:

#### AMENDMENT TO S. B. 52

Amend Senate Bill No. 52 Page 1 Line 35, by inserting after the words "Agriculture and Industries" the following words "the Department of Revenue."

Which was adopted.

Yeas 29; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—29

**Nays:**

—0

And said Bill, S. B. 52, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan,

Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

The Bill:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—24

*Nays:*

—0

#### FURTHER CONSIDERATION OF S. B. 97

The Bill:

S. 97. To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of expense allowances for such judges at the beginning of their next term of office.

having been postponed earlier, was again taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 97, to-wit:

#### AMENDMENT TO S. B. 97

Amend Senate Bill No. 97 Page 1 Line 25, by striking out Section 1 and by inserting a new Section 1 as follows:

"Section 1. In lieu of all county supplement and expense allowances now provided by law for judges of the ninth and thirty-eighth judicial circuits, commencing on January 17, 1977, such judges shall receive a salary supplement from the county or counties in which the circuit sits equal to thirty percent of the salary paid by the State of Alabama. Such salary supplements shall be paid in equal monthly installments of the county treasury in the thirty-eighth circuit and in the ninth judicial circuit the county supplement will be paid on a pro rata basis by the two counties in said circuit based upon the ad valorem tax assessments of said counties."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff,

Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 97, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 35. To amend Section 1, Act No. 763, H. 286 of the 1973 Regular Session (Acts of 1973, Vol. II, p. 1145) providing further for subsistence allowances for law enforcement officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles.

was taken up.

Mr. Jones offered the following amendment to the Bill, S. B. 34, to-wit:

#### AMENDMENT TO S. B. 34

Amend S. B. 34 by changing the period at the end of the title on line 25, page 1, to a semi-colon and adding the following viz:

to provide for a refund to persons who purchase their tags before the effective date of this act.

To further amend S. B. 34 by adding a new section 2 on line 27 of page 2 and renumbering the current section 2 and all subsequent sections accordingly, viz:

Section 2. Any person who is entitled to the exemption provided for by the provisions of this act who purchased their license tag on or after October 1, 1975 and paid full-price therefor shall be entitled to a refund for all license taxes and registration fees unnecessarily paid.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owens, Pearson, Powell, Stewart, Torbert, Vacca, Waldrop.

—22

*Nays:*

—0

And said Bill, S. B. 34, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Abstaining 1.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Powell, St. John, Stewart, Torbert, Vacca.

—21

*Nay:* Mr. Perloff.

—1

*Abstaining:* Mr. Edwards.

—1

The Bill:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 42, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 42

#### A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the State Treasury for the fiscal year ending September 30, 1976, to be used and expended by the Department of Agriculture and Industries during said fiscal year for payment of salaries, other expenses, equipment purchases, including the purchase



of insecticides and chemicals for control and eradication of a destructive insect pest known as the fire ant. This appropriation shall be in lieu of any other appropriation for the aforesaid purpose to the Department of Agriculture and Industries and shall be subject to budget and allotment as provided under Title 55, Chapter 4, Article 3, Code of Alabama, 1940

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, St. John, Stewart, Torbert, Vacca, Waldrop.

—23

Nays:

—0

And said Bill, S. B. 42, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca.

—23

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 9. To the Committee on Finance and Taxation.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 44. To make an appropriation to the Perry County Board of Education to be used for capital outlay purposes for the school located in the Heiberger community in Perry County.

was taken up.

On motion of Mr. Givhan, further consideration of the Bill, S. B. 44, was postponed until the next Legislative Day.

The Bill:

S. 51. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Givhan, King, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—21

Nays:

—0

Messrs. Mims and Pearson requested and received unanimous consent to have their names added as co-sponsors of the above Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Manley:

H. 234. To amend and re-enact Act No. 1180 of the 1975 Regular Session of the Alabama Legislature so as to change the overtime provisions of said act; to define state law enforcement officer; to exclude state law enforcement employed by the Alabama Forestry Commission from the provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 234. To the Committee on Rules.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Givhan, Little, McMillan, Mims, Owen, Pearson, Perloff, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—20

Nays:

—0

The Bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

was taken up.

Mr. Bank offered the following amendment to the Bill, S. B. 123, to-wit:

## AMENDMENT TO S. B. 123

On page 4, section 1, starting on line 28, add the following words, "except that the fee for all coal, oil, gas, and/or lignite leases shall be per page ..... \$5.00."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Givhan, Little, McMillan, Mitchell, Pearson, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—18

Nays:

—0

Mr. Stewart offered the following amendment to the Bill, S. B. 123, as amended, to-wit:

## AMENDMENT TO S. B. 123, AS AMENDED

Amend Senate Bill No. 123 Page 2 Line 27, by striking out the figure "\$15.00" and inserting the figure "\$8.00".

On motion of Mr. Fine, said amendment was laid on the table.

Mr. Edwards offered the following amendment to the Bill, S. B. 123, as amended, to-wit:

## AMENDMENT TO S. B. 123, AS AMENDED

Amend Senate Bill No. 123 Page 4 Lines 22-27, by striking out all there on and in their stead place the following:

Filing and recording, including recording document filing for record per page ..... \$1.50

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flipppo, Givhan, Jones, McDonald (A), McMillan, Mims, Mitchell, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—22

Nays:

—0

Mr. Stewart offered the following amendment to the Bill, S. B. 123, as amended, to-wit:

## AMENDMENT TO S. B. 123, AS AMENDED

Amend Senate Bill No. 123 Page 2 Line 27, by striking out figures "\$15.00" and inserting in lieu there of the figure "\$7.50"

On motion of Mr. Fine, said amendment was laid on the table.

Mr. Torbert offered the following amendment to the Bill, S. B. 123, as amended, to-wit:

## AMENDMENT TO S. B. 123, AS AMENDED

Amend Senate Bill No. 123 Page 7 by inserting the following as Section 2. to-wit:

"Anything to the contrary notwithstanding, no probate judge paid by fees shall receive any increase in fees during his present term of office."

And renumber present Section 2 as Section 3.

On motion of Mr. Fine said amendment was laid on the table.

Yeas 14; Nays 10.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Mitchell, Owen, Pearson, Powell, Shelby, Vacca, Waldrop.

—14

Nays:

Messrs. Baker, Edwards, Flipppo, King, Little, McDonald (A), Perloff, St. John, Stewart, Torbert.

—10

Mr. Baker offered the following amendment to the Bill, S. B. 123, as amended, to-wit:

AMENDMENT TO S. B. 123, AS AMENDED

Amend Senate Bill No. 123 Page 2 Line 27, by striking out the figure "\$15.00" and inserting in lieu thereof the figure "\$7.00"

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

Yeas 7; Nays 11.

Yeas:

Messrs. Bank, Fine, Givhan, Mitchell, Powell, Shelby, Wilson.

—7

Nays:

Messrs. Adams, Baker, Edwards, Ellis, Flippo, King, Little, St. John, Stewart, Torbert, Vacca.

—11

And said amendment was then adopted by the Senate.

Yeas 12; Nays 4.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, King, McMillan, Pearson, St. John, Shelby, Stewart, Torbert, Vacca.

—12

Nays: Messrs. Fine, Givhan, Mitchell, Wilson.

—4

(A quorum of the Senate was present but not voting.)

And said Bill, S. B. 123, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—23

Nays:

—0

The Bill:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 50, to-wit:

AMENDMENT TO S. B. 50

Amend Senate Bill 50 as follows:

Strike out the first two sentences of Section 1 on Page 1, beginning at Line 23, and insert in lieu thereof the following:

"Each state law enforcement officer in the service of the state who is assigned to duty for more than forty hours during the calendar week shall be paid time and one-half for such excess hours worked or he shall be given time and one-half compensatory leave as herein provided, except as hereinafter limited. Such officers shall normally work a forty hour work week."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flippo, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—20

Nays:

—0

And said Bill, S. B. 50, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Manley:

H. 235. Relating to motor vehicles; to increase minimum fines for certain traffic offenses, and for such purpose amending Code of Alabama 1940, Title 36, Sections 2, 3, 24, 30, 58(51), 53, 69, and 70, and Act No. 22, H. 1, Regular Session 1953; to provide for the disposition of the proceeds of such fines and for such purpose creating a state Law Enforcement Overtime Fund; and appropriating the monies deposited therein.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 235. To the Committee on Finance and Taxation.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Owen, Pearson, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—23

Nays:

—0

The Bill:

S. 94. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the President of the Circuit Judges Association.

was taken up.

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 94, to-wit:

## AMENDMENT TO S. B. 94

Amend S. B. 94 by striking the words "President of the Circuit Judges Association" wherever they appear and substituting therefor the words "Presiding Judge of the Court of Criminal Appeals."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Pearson, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—19

Nays:

—0

And said Bill, S. B. 94, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mitchell, Owen, Pearson, Powell, St. John, Vacca, Wilson.

—20

Nays:

—0

**The Bill:**

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 23; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, McMillan, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—23

**Nays:**

—0

**The Bill:**

S. 110. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 110, to-wit:

**COMMITTEE AMENDMENT TO S. B. 110**

Amend Senate Bill 110 on page 12, line 25, by deleting the word six and inserting the word five.

**CALENDAR BILLS INDEFINITELY POSTPONED**

On motion of Mr. Fine, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

**BILL RE-REFERRED**

Mr. Shelby moved that the Bill, H. B. 151, be removed from the Standing Committee on Judiciary and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 151, re-referred to the Standing Committee on Finance and Taxation.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Sasser, Carothers, Morris, White, Sandusky, Manley, Smith (M), Crowe, McCorquodale, Owens, Jackson (F), Pegues, Campbell, Glass, Martin, McNees, Moore (O), Wyatt, Carter, Gafford, Baker, Roberts, Moore (W), Crawford, Malone, Merrill, Biddle, Lutz, Hines, Callahan, Waggoner, McMillan, Smith (J), Sonnier, Folmar, Coburn, Falkenburg, Teague, Armstrong, Shelton, Dial and Weeks:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 214. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McClusky:

H. J. R. 34. WHEREAS, The Department of Public Safety for many years has maintained and operated in the Sylacauga Division of the Talladega County Courthouse an office for the purpose of administering driver's license examinations serving the entire Sylacauga area of Talladega County, which represents a population of 40,000, and;

WHEREAS, This service has been and is deemed a vital necessity for the citizens of said Sylacauga area, and;

WHEREAS, It has come to the attention of citizens in the Sylacauga area that the Department of Public Safety is considering abolishing the said office for testing applicants for issuance of driver's license.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the director of the Department of Public Safety is hereby requested to continue the

operation of this office and in the Courthouse of the Sylacauga Division in Talladega County as a convenience and necessity for the citizens thereof.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 34, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 15. COMMENDING GENERAL JAMES TAYLOR HARDIN FOR HIS OUTSTANDING CAREER IN THE MILITARY.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Starkey:

H. J. R. 35. REGARDING THE ALLOCATION OF CERTAIN VOCATIONAL TEACHER UNITS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the passage of the Special Educational Trust Fund Appropriation bill, viz: the Substitute for H. B. 9, it is the intent and purpose of the legislature that in addition to all other teacher units allocated to Jackson County that two vocational agricultural teacher units be allocated to North Sand Mountain High School and two vocational agricultural teacher units be allocated to Skyline High School.

BE IT FURTHER RESOLVED, That the intent, purpose and directive of this resolution be carried out by the proper education authorities.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 35, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McMillan and Kinsey:

H. J. R. 38. CREATING A CITIZEN'S STUDY COMMITTEE TO DETERMINE WHETHER THE ROADS AND BRIDGES IN BALDWIN COUNTY SHOULD REMAIN UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.

WHEREAS, there has been some amount of debate concerning the supervision of Baldwin County's roads and bridges by the State Highway Department; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there is hereby created a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in Baldwin County should remain under the supervision and control of the State Highway Department, or should revert back under the supervision and control of the Baldwin County governing body. The committee shall also study any other related matters of county government. The committee shall consist of five members. The county governing body shall appoint two members, the Baldwin county legislative delegation shall appoint three members, and the Baldwin County legislative delegation shall be ex officio members of the committee. Appointments to the committee shall be made within ten days after passage of this resolution.

The Baldwin County governing body shall furnish meeting space, clerical help, and spend any funds necessary to furnish consultants or other such counsel as needed by the committee to obtain the information it needs.

The committee shall elect a chairman and report its findings, conclusions and recommendations to the legislature not later than the 1st legislative day of the 1967 Regular Session.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 38, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT AND EFFICIENCY OF THE DEPARTMENT OF EDUCATION.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Rich and Taylor:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars (\$100.00).

Also:

By Mr. Owens:

H. 103. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 210 and 103. To the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg, Sasser, Roberts and White:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Also:

By Messrs. Albright, Lutz and Smith (B):

H. 190. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Also:

By Mr. Biddle:

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Also:

By Mr. Owens:

H. 101. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 90, 190, 95 and 101. To the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Killian and Starkey:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

By Mr. Gafford:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 31 and 49. To the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, Coburn, Owens, Teague, White, Clark, Lee, Sonnier, Greer, Moore (O), Falkenburg, Carothers, Sandusky and Gafford:

H. 233. To repeal Act No. 1056, S. 1, Regular Session 1973 (Acts of 1973, p. 1699), as amended, entitled "An Act To establish a state ethics commission and to provide a state ethics law which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the

making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 233. To the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (C) and Plaster:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Also:

By Messrs. Ford and Taylor:

H. 2. To name three buildings on the Gadsden State Junior College Campus.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H.B.'s 47 and 2. To the Standing Committee on Rules.

#### ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, November 6, 1975 at 2 o'clock P.M.

## FOURTH LEGISLATIVE DAY

THURSDAY, NOVEMBER 6, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Cecil E. Bradley, Pastor, Saint James United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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## JOURNAL

On motion of Mr. Noonan, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORT OF COMMITTEE

## ON RULES ON

## REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, John T. Bulls, Jr., Florence, Alabama, from the 8th Congressional District, as a member of the Board of Trustees of the University of North Alabama for the term expiring September 9, 1979.

Respectfully,

GEORGE C. WALLACE,  
Governor.

DONE THIS 5 DAY OF NOVEMBER, 1975

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. McCluskey:

H. J. R. 12. COMMENDING THE SYLACAUGA BEAUTIFICATION COUNCIL.

Also:

By Mr. Kinsey:

H. J. R. 14. COMMENDING STEVE McMILLAN UPON BEING NAMED BALDWIN COUNTY "REALTOR OF THE YEAR."

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 15. COMMENDING ROBERTA FULLER SPEH, NAMED BY SOUTH BALDWIN BUSINESS AND PROFESSIONAL WOMEN "WOMAN OF ACHIEVEMENT."

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 16. CONGRATULATING MR. AND MRS. HARRIS C. GRANT ON THEIR TWENTY-FIFTH WEDDING ANNIVERSARY.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 17. CONGRATULATING GEORGE ENGEL FOR HIS OUTSTANDING SERVICE IN RURAL ELECTRIC COOPERATIVES, LOCALLY AND NATIONALLY.

Also:

By Messrs. Venable, Plaster and Cates:

H. J. R. 20. PROCLAIMING THE 8TH ANNUAL MILLBROOK FESTIVAL, ARMED FORCES DAY CELEBRATION THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 12, 14, 15, 16, 17 and 20, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Warren:

H. J. R. 36. CONGRATULATING JAMES A. POWELL FOR HIS ELECTION AS CONECUH COUNTY'S TEACHER OF THE YEAR.

Also:

By Mr. Warren:

H. J. R. 37. COMMENDING MRS. ROBERT G. KENDALL, JR., FOR HER WORK WITH THE CHRISTMAS SEAL CAMPAIGN IN CONECUH COUNTY.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 36 and 37, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. MOURNING THE DEATH OF WILLIAM VIRGIL RUNYAN.

WHEREAS The legislature is grieved to learn of the recent death of William Virgil Runyan, age 46, Gadsden, Alabama; and

WHEREAS William Virgil Runyan, a life-long native of Etowah County, was employed with Republic Steel Corporation for 28 years and was owner and operator of the East Gadsden Refrigeration Company; and

WHEREAS William Virgil Runyan contributed immeasurably to the enrichment of our social, cultural and economic lives. He was a diligent and devoted member, deacon and Sunday School teacher of the East Gadsden Baptist Church; and

WHEREAS William Virgil Runyan was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country. He coached Pee Wee Football for 11 years with Donahoo and East Gadsden Raiders and was active in many civic organizations; and

WHEREAS William Virgil Runyan served his country gallantly during the Korean conflict; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it mourns the death of William Virgil Runyan and extends its condolences to his family for this irreparable loss.

BE IT FURTHER RESOLVED That copies of this resolution be transmitted to his wife Mrs. Mary Boyle Runyan; two daughters, Mrs. Sherry Denise Sims and Miss Terri Ann Runyan; and two sons, William Charles Runyan and Mark Allen Runyan.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

**S. J. R. 17. COMMENDING WILLIAM GEORGE SNIDER FOR HIS TALENTED GOSPEL SINGING AND HIS UNSELFISH GENEROSITY.**

WHEREAS, William G. Snider was born in the coal mining community of Cedar Cove, Alabama about sixty-five years ago, and is widely and affectionately known as "W. G.," and

WHEREAS, William G. Snider is called West Alabama's favorite singing man and in the past had studied singing under Mrs. Harry Neal Eddins, a widely known soprano who has taught some of the best known singers in the State of Alabama; and

WHEREAS, William G. Snider formed the famous and talented "Rainbow Quartet," and for the last thirty years has sung with his quartet on radio, television, and in every community of West Alabama; and

WHEREAS, William G. Snider is known as an unselfish, big-hearted Christian gentleman and has sung at thousands of funerals without asking for any compensation; and

WHEREAS, William G. Snider was honored on October 26, 1975 by the Piney Wood Baptist Church which designated that day as "W. G. Snider Day". Singers from all over Alabama came to pay their respects and people from all walks of life were present; and

WHEREAS, William G. Snider is widely known as a turkey hunter; and

WHEREAS, William G. Snider has exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellow men. He has gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we most heartily commend William George Snider for his outstanding achievements.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to William G. Snider.

On motion of Mr. Shelby the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill (With Amendments):

**H. 9.** To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

By Mr. Sasser, et al (With Amendment):

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Johnson and Robertson:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

By Mr. Manley:

H. 235. Relating to motor vehicles; to increase minimum fines for certain traffic offenses, and for such purpose amending Code of Alabama 1940, Title 36, Sections 2, 3, 24, 30, 58(51), 53, 69, and 70, and Act No. 22, H. 1, Regular Session 1953; to provide for the disposition of the proceeds of such fines and for such purpose creating a state Law Enforcement Overtime Fund; and appropriating the monies deposited therein.

By Messrs. Smith (M), Higginbotham and Turnham:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Killian and Starkey:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

By Smith (C) and Plaster:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

By Mr. Gafford:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

By Messrs. Falkenburg, Sasser, Roberts and White:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Biddle (With Substitute):

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar to-wit:

By Mr. Owens:

H. 101. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

By Mr. Owens:

H. 103. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

By Messrs. Rich and Taylor:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars (\$100.00).

By Mr. Manley, et al:

H. 233. To repeal Act No. 1056, S. 1, Regular Session 1973 (Acts of 1973, p. 1699), as amended, entitled "An Act To establish a state ethics commission and to provide a state ethics law which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units."

By Mr. Manley:

H. 234. To amend and re-enact Act No. 1180 of the 1975 Regular Session of the Alabama Legislature so as to change the overtime provisions of said act; to define state law enforcement officer; to exclude state law enforcement employed by the Alabama Forestry Commission from the provisions of this act.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, and it was read second time and placed on the calendar, to-wit:

By Mr. Perry:

S. 161. To make a conditional appropriation from the Special Educational Trust Fund in the state treasury to the use of the Board of Trustees of Southern Vocational College at Tuskegee.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker, Smith (M), Whatley and Turnham:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

By Mr. Campbell, et al:

H. 133. To name that portion of U.S. Highway 11 that is within Sumter County the "Livingston University Highway".

By Messrs. Rich and Taylor:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Harris, Lewis, Holmes, Barron, Wyatt and Plaster:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

By Mr. Rich (with notice and proof):

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor, to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

By Messrs. Barron, Wyatt, Plaster and Lewis:

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing sup-

plemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having not less than eight nor more than twelve circuit judges. provisions of the Act apply to circuits composed of one county having not less than eight nor more than twelve circuit judges.

By Mr. Hines:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

By Messrs. Lutz and Starkey:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

By Messrs. Venable and Plaster (with notice and proof):

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

By Messrs. Killian and Mitchem:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

By Messrs. Starkey, Killian and Lutz (with notice and proof):

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

By Mr. Drake:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

By Mr. Dial:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

By Mr. Dial:

H. 135. To ammend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

By Messrs. Killian and Mitchem:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

By Mr. Drake:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

By Mr. Merrill:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

By Mr. Waldrop:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."



By Mr. Waldrop:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

By Messrs. Weeks and McNees:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

By Mr. Campbell:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

By Messrs. Hill and Greer:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

By Messrs. Hill and Greer:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

By Messrs. Coburn and Goodwin:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of raccoons and opossums under certain conditions.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Leonard:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities

having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Mr. Armstrong, et al (With Amendment):

H. 131. To fix supplemental salaries for each circuit clerk and each deputy circuit clerk elected by the people in counties having a population of not less than 600,000 according to the most recent Federal decennial census.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Armstrong:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Johnson:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

By Mr. McCluskey:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

By Mr. McCluskey (with notice and proof):

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

By Mr. McCluskey:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

By Messrs. Carter and Moore (W):

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

By Messrs. Carter and Moore (W):

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975

By Messrs. Carter and Moore (W):

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

#### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 10, to-wit:

#### AMENDMENT TO H. J. R. 10

Amend H. J. R. 10 as follows:

On page 2 line 35 add the following paragraph:

The pay of the members of the committee shall be the same as their regular legislative per diem and the expense allowance for each day

while in the attendance of committee meetings to be computed as set forth in the Code of Alabama. The pay and expenses of the committee and its assistants shall be paid from funds appropriated to the use of the Legislature.

Which was adopted.

And said Resolution, H. J. R. 10, as thus amended, was concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable H. Grady Jacobs and Mrs. R. L. Potts to the Board of Trustees of the University of North Alabama.

On motion of Mr. Fine, the appointment of Mr. Jacobs and Mrs. Potts was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—23

Nays:

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Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Certification of the election of Honorable John A. Caddell and Honorable Ernest G. Williams to the Board of Trustees of the University of Alabama.

On motion of Mr. Edwards, the election of Messrs. Caddell and Williams was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—23

Nays:

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Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 10. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

On motion of Mr. Torbert, said Resolution was then adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 11. ESTABLISHING ALABAMA COUNCIL ON HISTORIC PILGRIMAGES.**

On motion of Mr. Torbert, said Resolution was then adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 38. CREATING A CITIZEN'S STUDY COMMITTEE TO DETERMINE WHETHER THE ROADS AND BRIDGES IN BALDWIN COUNTY SHOULD REMAIN UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.**

On motion of Mr. Owen, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 31. URGING THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE THE OPERATION OF THE BESSEMER DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.**

On motion of Mr. Gilmore, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 23. URGING THE SPELLING OF "BRINDLEE MOUNTAIN PARKWAY" AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.**

On motion of Mr. Edwards, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 18. CREATING THE CAHABA RIVER COMMISSION.**

On motion of Mr. Vacca, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 19. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.**

On motion of Mr. St. John, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 11. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO USE THEIR PERSUASION TO INFLUENCE THE FEDERAL GOVERNMENT'S PARTICIPATION IN ALABAMA'S PILOT PRISONER RELEASE PROGRAM.

On motion of Mr. St. John, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 9. RECOMMENDING THAT THE BIRMINGHAM VULCANS BE ADMITTED INTO THE NATIONAL FOOTBALL LEAGUE.

On motion of Mr. Vacca, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 8. NAMING THE ALABAMA DEEP SEA FISHING RODEO, "THE OFFICIAL ALABAMA DEEP SEA FISHING RODEO."

On motion of Mr. Noonan, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 5. COMMENDING L. B. STEPHENS UPON HIS RETIREMENT FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF PARDONS AND PAROLES AND HIS MANY YEARS OF SERVICE TO THE STATE.

On motion of Mr. Jones, said Resolution was then concurred in and adopted by the Senate.

#### RESOLUTIONS

Messrs. Vacca, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. CONGRATULATING SENATOR FRED JONES ON HIS PROMOTION TO BRIGADIER GENERAL IN THE ALABAMA ARMY NATIONAL GUARD.

WHEREAS our esteemed colleague, Senator Fred Jones has served our country and our state for twenty years in the Alabama Army National Guard; and

WHEREAS the Senator from Montgomery recently reached another milestone in his steady rise in military prominence, attaining the rank of Brigadier General on October 7, 1975, and assuming the post of Assistant State Adjutant General; and

WHEREAS on this occasion this body would like not only to congratulate Senator Jones on this notable accomplishment, but to commend him for his distinguished record of service in the Guard as well as within the Civil Defense Department, where he so ably served as assistant director; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend General Fred Jones for his proud service to his state and country, and offer our sincere congratulations on his promotion to Brigadier General in the Alabama Army National Guard.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. AUTHORIZING AND PAYING FOR ATTENDANCE OF TWO LEGISLATIVE MEMBERS AT ANNUAL MEETING OF SOUTHERN GROWTH POLICIES BOARD.

WHEREAS, The annual meeting of the Southern Growth Policies Board will take place on November 11-13 in Pinehurst, North Carolina; and

WHEREAS, This important meeting will concern public policies related to economic stability and productivity in the South; and

WHEREAS, The Legislature feels that attendance of the two legislative members of the Southern Growth Policies Board is imperative, and will be most productive; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two legislative members of the Southern Growth Policies Board, or their appointed representatives, are urged to attend the annual meeting on November 11-13 in Pinehurst, North Carolina.

BE IT FURTHER RESOLVED That the expenses of attending said meeting be paid out of funds appropriated to the use of the Legislature.

On motion of Mr. Clemon, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILL RE-REFERRED

Mr. Fine moved that the Bill, H. B. 188, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 188, re-referred to the Standing Committee on Finance and Taxation.

#### ADJOURNMENT

At 2:45 P.M. on motion of Mr. Fine, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, November 7, 1975, at 8 o'clock A.M.

## FIFTH LEGISLATIVE DAY

FRIDAY, NOVEMBER 7, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by Reverend Frank Martin, Pastor, Evangel Temple, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—34

## JOURNAL

On motion of Mr. Baker, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

## BILLS ON THIRD READING

The Bill:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan,



Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the

three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Wilson.

—25

*Nays:*

—0

The Bill:

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regula-

tions pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert.

—25

Nays:

—0

The Bill:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,000 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Wilson.

—25

Nays:

—0

The Bill:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain

powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart.

—25

*Nays:*

—0

The Bill:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart.

—25

*Nays:*

—0

The Bill:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart.

—25

*Nays:*

—0

The Bill:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John.

—25

Nays:

—0

The Bill:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—25

Nays:

—0

The Bill:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

—25

Nays:

—0

The Bill:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts.

—25

Nays:

—0

The Bill:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject

and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Givhan, Jones, King, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby.

—25

*Nays:*

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The Bill:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for

the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities,



to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Edwards, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* Messrs. Edwards, Stewart.

—2

## The Bill:

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Edwards, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

## Nays:

—0

## The Bill:

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop.

—25

## Nays:

—0

## RESOLUTION

Mr. Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. CREATING A JOINT INTERIM COMMITTEE TO STUDY RECOVERY, REUSE AND RECYCLING OF MATERIALS.

WHEREAS, Resource conservation and reuse is essential as demands on limited resources increase; and

WHEREAS, such methods and systems not only conserve materials but also conserve energy; and

WHEREAS, other states are implementing and investigating programs to recover resources and the economics and technology of recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That A Joint Interim Committee be created to study methods and systems for recovery, reuse and recycling of materials and the economic aspects thereof. The committee shall prepare a report and deliver same to the Legislature not later than the tenth Legislative day of the 1976 Regular Session. If the committee should conclude that legislation is necessary to implement any recommendations it may have, a copy of such model legislation shall be attached to the report.

The committee shall consist of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House, a representative of the Departments of Conservation and Natural Resources and Public Health appointed by the Directors of the Departments.

The Legislative members of this committee shall be entitled to receive their regular legislative pay and per diem for attending meetings of this committee.

On motion of Mr. Ellis the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lutz:

H. J. R. 40. Welcoming Exchange Students from the Republic of Colombia.

WHEREAS, the Alabama Legislature is honored to have in its midst a group of exchange students from the Republic of Colombia, namely, George Diaz, Giovanni Citarella, Hernan Maestre, and Orlando Fals; and

WHEREAS, the presence of these young people typifies the warm relations between the United States of America and the Republic of Colombia; and

WHEREAS, there exist many cultural, economic, and social ties between the State of Alabama and the Republic of Colombia.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do extend a warm welcome to our friends from Colombia and do wish them well during their visit in Alabama.

BE IT FURTHER RESOLVED, That we do declare George Diaz, Giovanni Citarella, Hernan Maestre, and Orlando Fals to be honorary citizens of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to George Diaz, Giovanni Citarella, Hernan Maestre, and Orlando Fals.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 17. COMMENDING WILLIAM GEORGE SNIDER FOR HIS TALENTED GOSPEL SINGING AND HIS UNSELFISH GENEROSITY.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Dial and Teague:

H. J. R. 41. CONGRATULATING JENNIE CHANDLER ON WINNING DIVING AWARD IN THE PAN AMERICAN GAMES IN MEXICO CITY.

Also:

By Mr. McCluskey:

H. J. R. 42. CONGRATULATING AND COMMENDING MISS JACKIE BEASLEY ON BEING SELECTED ALABAMA TEXTILE QUEEN.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 41, and 42 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hines:

H. J. R. 46. WHEREAS, the prison system of the State of Alabama has recently come under harsh criticism for failure to provide adequate medical care for inmates, and,

WHEREAS, the State of Alabama is seeking to determine ways to improve the delivery of medical care in prisons, and,

WHEREAS, the Law Enforcement Assistance Administration, (LEAA) has given the American Medical Association a grant to develop a pilot program in six selected states for the delivery and improvement of crucially needed medical care and health services in prisons, and,

WHEREAS, these funds will be available to each participating state medical society to cover expenses for the first year of the program, now therefore be it,

RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of the State of Alabama endorses and supports the application of the Medical Association of the State of Alabama to be considered as one of the six states to conduct a pilot program in the American Medical Association Program to Improve Medical Care and Health Services in Jails.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 46, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 28. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY S. J. R. 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY S. J. R. 101, ACT NO. 1046, APPROVED SEPTEMBER, 12, 1969, AND CONTINUED BY H. J. R. 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

On motion of Mr. Ellis, said Resolution was then concurred in and adopted by the Senate.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I have appointed the following named persons to the rank of Brigadier General:

Fred R. Jones  
Montgomery, Alabama

James R. Owen  
Bay Minette, Alabama

The above appointments are submitted to you for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

DONE THIS 7th DAY OF NOVEMBER, 1975.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the promotion of Honorable Fred Jones and Honorable James R. Owen to the rank of Brigadier General, was read and referred to the Standing Committee on Rules.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.  
was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 9, to-wit:

## AMENDMENT TO HOUSE BILL 9

On page 5, line 22, strike \$26,362,100.00 and insert \$27,362,100.00

On page 12, line 31, strike \$25,812,220.00 and insert \$28,812,220.00;

on page 12, line 32, strike \$25,935,399.00 and insert \$28,935,399.00

On page 13, line 32, strike \$1,300,000.00 and insert \$1,550,000.00

On page 14, line 11, strike \$19,936,000.00 and insert \$21,936,000.00

On page 6, line 21, strike \$200,000.00 and insert \$350,000.00

On page 25, line 8, strike \$572,000.00 and insert \$650,000.00

On page 24, lines 22 through 28, strike Section 19 in its entirety and renumber subsequent sections.

On page 17, insert after Section 18(g) on line 17, Section 19 to read as follows:

|  |                 |
|--|-----------------|
| For construction and renovation at Diabetes Research and Education Hospital and Education (Birmingham) ..... | \$ 1,000,000.00 |
|--|-----------------|

On page 18, Section 5, A(4), strike the item in its entirety and insert the following:

|   |               |
|---|---------------|
| (4) Center for Vocational and Adult Teacher Education .....   | \$ 500,000.00 |
| (The funds provided in sub-section (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical, and adult education.) |               |

On page 28, insert after Section 46 the following sections and renumber subsequent sections:

|  |               |
|--|---------------|
| Section 47: The Alabama Post-Secondary 1202 Commission: For the Alabama Student Assistance Program ..... | \$ 350,000.00 |
|--|---------------|

|  |           |
|--|-----------|
| Section 48: Alabama Peace Officers and Standards Training Commission ..... | 50,000.00 |
|--|-----------|

|  |            |
|--|------------|
| Section 49: Gadsden City Board of Education: For Capital Outlay .....  | 300,000.00 |
| Section 50: Chilton County Board of Education: For Capital Outlay .....  | 450,000.00 |
| Section 51: Alabama Firefighters Personnel Standards Education Commission .....  | 30,000.00  |
| Section 52: Alabama Council on the Arts and Humanities .....   | 150,000.00 |
| Section 53: Covington County Board of Education: For construction and equipment purchases at Red Level Grammar School .. | 450,000.00 |

On page 4, after Section J(g), insert the following:

(h) For the Kindergarten Pilot Program ..... 500,000.00

On page 17, Section 4, C(1), strike \$4,256,000.00 and insert \$4,356,000.00

On page 17, line 17, strike out Section 4 B(18) (g)

On page 28, line 24, insert the following new section:

"Section 47. Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County ..... 200,000.00  
(Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities.)"

Renumber the remaining sections of the Bill in proper numerical sequence.

Amend H. B. 9 to insert Section 19:

#### AMENDMENT TO H. B. 9

Alabama Commission on Higher Education: For operation and maintenance ..... 300,000.00

#### AMENDMENT TO H. B. NO. 9

Amend House Bill No. 9, Section 3, Sub-section J, page 3 as follows:

J. Department of Education:

|  |                |
|--|----------------|
| For salary of the State Superintendent ..... | 40,000.00      |
| For other salaries .....                     | 1,156,992.00   |
| For other expenses .....                     | 190,000.00     |
| For rental expenses .....                    | 475,000.00     |
| For equipment purchases .....                | 20,000.00      |
| For transfer to State Personnel Dept. ....   | 30,800.00      |
| Total .....                                  | \$1,912,792.00 |

## AMENDMENT TO H. B. 9

Amend H. B. 9, Section 3, Q (g), Page 10, line 5, by inserting after the word "provide" the following:

only

Also in Section 3, Q (g), Page 10, line 6, by inserting after the word "assistance" the following:

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

## AMENDMENT TO H. B. 9

Amend H. B. 9 by striking Section 48 and Section 49, on page 24 in their entirety, and renumber Sections 50 as Section 48 and renumber Section 51, as Section 50.

## AMENDMENT TO H. B. 9

On page 11, immediately after Section 3 Q (i), insert the following:

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that two vocational agricultural teacher units be allocated to Skyline High School and two vocational agricultural teacher units be allocated to North Sand Mountain High School.

## AMENDMENT TO H. B. 9

Amend House Bill No. 9 by striking the following figure in Section 3, subsection A, page 2:

For Adult Basic Education: \$185,000.00

and inserting in lieu thereof the following: \$300,000.00

## AMENDMENT TO H. B. 9

Amend H. B. 9, page 28, line 24, by inserting after Section 46, the following new section:

Section 46A. To appropriate a one-time grant in the amount of \$125,000 from the Special Educational Trust Fund to Alexander City Junior College to be used to provide an educational program for inmates at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison; such grant not to revert at the end of the fiscal year but to be carried forward from year to year until expended.

## AMENDMENT TO H. B. 9

Amend House Bill 9 by deleting Section 5.D, lines 30 and 31 and inserting in lieu thereof the following:

|   |               |
|---|---------------|
| For Montgomery Area Community Health Sciences Institute | \$ 200,000.00 |
|---|---------------|



## AMENDMENT TO H. B. 9

Amend House Bill 9 by adding after Subsection "M" on page 5, the following:

"N. Department of Education In Service Training:

|                                     |               |
|-------------------------------------|---------------|
| For salaries .....                  | 200,000.00    |
| For other expenses .....            | 50,000.00     |
| For disbursement to local boards .. | 749,000.00    |
| For equipment purchases .....       | 1,000.00      |
| Total .....                         | 1,000,000.00" |

## AMENDMENT TO H. B. 9

Amend H. B. 9 by deleting therefrom Subsection (b) of Section 12 (page 21, lines 22 through 26) as follows:

and inserting in lieu thereof the following:

|   |              |
|---|--------------|
| (b) For operation and maintenance of the Department of Adult Blind and Deaf ..... | 1,255,139.69 |
| (c) For operation and maintenance of the State Library for the Blind .....        | 60,000.00    |

## AMENDMENT TO H. B. 9

Amend House Bill 9 by inserting after line 14 in subsection o. of Section 3 on page 6, the following:

Of the amount appropriated to the Junior College Equalization Account, no less than \$300,000.00 shall be distributed to the S. D. Bishop State Junior College for the construction and equipping of a School of Nursing. Said amount shall be in addition to the formula amount adopted for said junior college by the State Board of Education.

## AMENDMENT TO H. B. 9

Amend House Bill 9 by adding on page 13 after subsection "(c)" the following:

|   |             |
|---|-------------|
| "(d) Walker State Technical College ..... | 200,000.00" |
|---|-------------|

## AMENDMENT TO H. B. 9

Amend House Bill 9 on page 5, after line 22, Section 3, O—Junior College Equalization Account by adding the following:

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

## AMENDMENT TO H. B. 9

Amend House Bill 9 on page 8, line 6 by striking subsection (d) in its entirety and substituting in lieu thereof the following:

(d) Two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for

the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall determine the amount to be allocated for the operation of the instructional program to each teacher within the school and shall submit a schedule of allotment for each teacher to the local board of education. The local school board shall issue purchase orders and pay invoices and shall handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of \$10,029,700.00.

Further amend the bill by striking on page 6, line 26, the figure "\$361,343,028.00" and inserting in lieu thereof "\$352,146,678.00."

Further amend the bill by striking on page 10, line 36, the figure "\$369,712,278.00" and inserting in lieu thereof "\$360,515,928.00."

#### AMENDMENT TO H. B. 9

Amend House Bill 9 on page 8, line 31, Section 3, Q—Minimum Program Fund (e) by deleting the first paragraph of the section and substituting in lieu thereof the following:

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increments due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (\$1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars (\$1,160) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

Further amend the bill by striking on page 6, line 26, the figure "\$361,343,028.00" and inserting in lieu thereof "\$363,131,450.00."

Further amend the bill by striking on page 10, line 36, the figure "\$369,712,278.00" and inserting in lieu thereof the figure "\$371,500,700.00."

#### AMENDMENT TO H. B. 9

Amend House Bill 9 on page 12, line 35, Section 3, Y—Vocational Education, (a) to add the following:

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall

receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

#### AMENDMENT TO H. B. 9

Amend House Bill 9 on page 14, after line 11, Section 3, Z—State Vocational-Technical School Equalization Account, by adding the following:

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

#### AMENDMENT TO H. B. 9

Amend H. B. 9, Section 3, Subsection Q. page 7, by inserting after line 27 the following:

Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

#### AMENDMENT TO H. B. 9

Amend House Bill 9, to add the following after line 39 on Page 4:

"In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers."

#### AMENDMENT TO H. B. 9

Amend House Bill 9, on page 4, line 31, by striking the figure \$123,250.00 and insert the figure \$160,000.00.

#### AMENDMENT TO H. B. 9

Amend H. B. 9 by inserting a new Section 54 as follows, to-wit:

Section 54. There is hereby appropriated to the State Department of Education for the exclusive purpose of purchasing from Capitol Development Company, Ltd. certain real property the legal description of which is set out in recorded mortgage deed at Real Property Vol. 193 at pages 813 through 825 in Montgomery County, said property consisting of 68,000 square feet more or less in the City of Montgomery in a city block bounded by the streets of Washington Avenue, Decatur Street, Hull Street and Adams Avenue, the sum of \$1,611,000.

There is hereby appropriated to the State Department of Education for the exclusive purpose of purchasing and exercising an option held by Capitol Development Company, Ltd. to purchase from the Scottish Rite Association of Alabama certain real property adjacent and contiguous to the above described property of Capitol Development Company, Ltd., the sum of \$475,250.

The State Superintendent of Education, the State Board of Education and all other responsible parties are hereby mandated and required to purchase the property for which said appropriations are herein provided no later than thirty (30) days after the effective date of this act. The Legislature hereby mandates and requires the expenditure of the

sums appropriated herein for the above stated purposes, notwithstanding the provisions of any other law of the State of Alabama, including Title 55, Sections 101 and 102 of the Code of Alabama 1940 (recompiled 1958).

#### AMENDMENT TO H. B. 9

Amend House Bill 9, by adding a new Section 47, after Section 46, page 28 on lines 21-23 and renumbering the remaining section accordingly, as follows:

"Section 47. Perry County Board of Education For  
capitol outlay purposes for the school  
located in Heiberger Community .... 300,000.00"

#### AMENDMENT TO H. B. 9

Amend House Bill 9 on Page 24, lines 22 through 28, strike Section 19 in its entirety and renumber subsequent sections.

#### AMENDMENT TO H. B. 9

Amend subsection (g) on page 9 by striking the words on line 35 "teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program" and adding in lieu there of the following:

"employee of each local or county Board of Education, other than Title I, Title III and ESAA personnel"

Further amend subsection (g) by adding on page 10, line 5 after the word "provide" the word "only".

#### AMENDMENT TO H. B. 9

Amend H. B. 9 on page 15 Section BB by striking out the figure 4,914,000.00 and inserting therein the following: \$5,160,000.00.

#### AMENDMENT TO H. B. 9

Amend H. B. 9 and amended by adding a Section 46-A on page 28, to read as follows:

"46-A. Bullock County School Board:  
For burned out school buildings" ..... 400,000.00

Further amend the bill by adding another section

"46-B. Macon County School Board:  
For burned out school buildings" ..... 400,000.00

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Owen then offered the following substitute for the Bill, H. B. 9, to-wit:

#### SUBSTITUTE FOR H. B. 9

#### A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

### Section 3. STATE BOARD OF EDUCATION:

|   |              |
|---|--------------|
| A. For Adult Basic Education:   |              |
| To be used to match Federal Funds for a removal<br>of illiteracy program .....                          | 300,000.00   |
| B. Athens College:  |              |
| Operation and maintenance .....   | 1,000,000.00 |
| C. Civil Defense Survival Plan:   |              |
| For salaries and other expenses only, in the op-<br>eration of the Civil Defense Plan .....             | 17,000.00    |
| D. Civilian Rehabilitation:   |              |
| For the vocational rehabilitation<br>of handicapped individuals .....                                   | 4,860,000.00 |
| For the Governor's Committee on<br>Employment of Handicapped .....                                      | 40,000.00    |
| For Medical Services, adjustment<br>training and attendant care for<br>paraplegics and quadraplegics .. | 800,000.00   |
| Total .....   | 5,700,000.00 |

|    |  |              |
|----|--|--------------|
| E. | For Compact for Education .....  | 15,750.00    |
|    | (To be expended in accordance with Act No. 1143, 1969 Regular Session.)  |              |
| F. | Coordination of In-School Television Program:  |              |
|    | For salaries .....   | 80,000.00    |
|    | For other expenses .....   | 19,000.00    |
|    | For equipment purchases .....  | 1,000.00     |
|    | Total .....  | 100,000.00   |
| G. | For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:  |              |
|    | For salaries .....   | 218,000.00   |
|    | For other expenses .....   | 80,000.00    |
|    | For equipment purchases .....  | 4,000.00     |
|    | Total .....  | 302,000.00   |
| H. | For Driver Education .....   | 4,415,000.00 |
| I. | Drug Education Program:  |              |
|    | For the necessary education on drug abuse .....  | 163,625.00   |
| J. | DEPARTMENT OF EDUCATION:   |              |
|    | (a) For the Department of Education:   |              |
|    | For the salary of the State Superintendent, Estimated .....  | 40,000.00    |
|    | For other salaries .....   | 1,036,992.00 |
|    | For other expenses .....   | 160,000.00   |
|    | For rental expense .....   | 475,000.00   |
|    | For equipment purchases .....  | 20,000.00    |
|    | For transfer to State Personnel Department .....   | 30,800.00    |
|    | Total .....  | 1,762,792.00 |
|    | (b) For the "Right To Read Program" .....  | 50,000.00    |
|    | (c) For operation of the Teacher Certification Program .....   | 200,000.00   |
|    | (d) Early Childhood Education Program:   |              |
|    | For administration .....   | 90,000.00    |
|    | (e) For Legal Reference Manuals for all Local School Boards .....  | 25,000.00    |
|    | (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund ..... | 70,000.00    |
|    | (g) Regional Education .....   | 160,000.00   |
|    | (h) For the Kindergarten Pilot Program .....   | 500,000.00   |

K. Elementary Teachers Scholarship Fund ..... 25,000.00

L. Free Textbooks:

|   |              |
|---|--------------|
| For salaries .....  | 63,332.00    |
| For other expenses .....  | 40,000.00    |
| For disbursements to local boards ..                              | 62,250.00    |
| For equipment purchases .....                                     | 1,000.00     |
| For the repair of used and the<br>purchase of new textbooks ..... | 6,318,418.00 |
| For operation of Course Study<br>Commission .....                 | 15,000.00    |

Total ..... 6,500,000.00

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year, a course in Basic Economics.

M. Alabama School of Fine Arts:

For operation and maintenance ..... 300,000.00

N. Department of Education In-Serv-  
ice Training:

|                          |            |
|--------------------------|------------|
| For salaries .....       | 150,000.00 |
| For other expenses ..... | 50,000.00  |

Total ..... 200,000.00

O. Junior College Equalization Account:

For operation and maintenance of the Junior Col-  
leges listed below, to be distributed on a formu-  
la adopted by the State Board of Education .. 28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of \$575,000.00 shall be appropriated and distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act .....

350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of \$353,935,100.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.



(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall determine the amount to be allocated for the operation of the instructional program to each teacher within the school and shall submit a schedule of allotment for each teacher to the local board of education. The local school board shall issue purchase orders and pay invoices and shall handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of \$10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars (\$1,160) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12% per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may

reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of \$1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars (\$216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of \$7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of \$17.00 per day. The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of \$372,334,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that two vocational agricultural teacher units be allocated to Skyline High School and two vocational agricultural teacher units be allocated to North Sand Mountain High School.

T. Minimum Program Account:

Trainable Retarded Children:

For the administration of a program for exceptional children and youth ..... 426,812.00

The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

U. National Defense Education Program ..... 275,000.00

V. Physical Restoration of Crippled Children (Crippled Children's Service):

For salaries ..... 450,000.00  
For Handicapped Individuals ..... 2,800,000.00

Total ..... 3,250,000.00

W. To the Department of Education for Plans and Surveys:

For salaries ..... 56,000.00  
For other expenses ..... 16,500.00

Total ..... 72,500.00

|      |   |               |
|------|---|---------------|
| X.   | To the Department of Education for transfer to the State Telephone Revolving Fund ..... | 859,512.00    |
| XX.  | State Tenure Commission:  |               |
|      | For expense of operation .....  | 5,000.00      |
| XXX. | For Training Teachers of Exceptional Teachers ..  | 250,000.00    |
| Y.   | (a) Vocational Education:   |               |
|      | For salaries .....  | 75,000.00     |
|      | For other expenses .....  | 37,150.00     |
|      | For rental expense .....  | 9,529.00      |
|      | For equipment purchases .....   | 1,500.00      |
|      | Distributions to local boards and institutions .....                                    | 28,812,220.00 |
|      | Total .....   | 28,935,399.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

|     |   |              |
|-----|---|--------------|
| (b) | Vocational Education:   |              |
|     | For Pilot Program for Agriculture Business for supplying teacher units for experimental farm projects ..... | 400,000.00   |
| (c) | Vocational Education:   |              |
|     | For Industrial Development Training; to be used for industrial purposes only .....                          | 1,550,000.00 |
| (d) | Walker State Technical College .....  | 200,000.00   |
| Z.  | State Vocational Technical School Equalization Account:   |              |
|     | For the operations and maintenance of the Vocational Technical Schools listed below, to be                  |              |

distributed in accordance with a formula  
adopted by the State Board of Education ..... 21,936,000.00

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnellely State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein Section 3, paragraph Z not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

**AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:**

For the operation and maintenance of the University ..... 6,194,000.00

**BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY:**

For the operation and maintenance of the University of Montgomery ..... 5,160,000.00

**Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:**

**A. The University:**

|  |               |
|--|---------------|
| (1) For operation and maintenance .....              | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program ..... | 160,000.00    |
| (3) For Emotionally Disturbed Children .....         | 362,000.00    |
| (4) College of Community Health Sciences .....       | 1,500,000.00  |
| (5) For Public Service, Research and Extension ..... | 1,516,000.00  |
| (6) For Nursing Scholarships .....                   | 18,000.00     |
| (7) Psychology Department .....                      | 100,000.00    |
| (8) School of Nursing:                               |               |
| For operation and maintenance .....                  | 200,000.00    |

|  |              |
|--|--------------|
| (9) Mine Resources Institute .....   | 200,000.00   |
| (10) Museum of Natural History—Moundville<br>State Park .....                                  | 126,000.00   |
| (11) Family Practice Clinics .....   | 375,000.00   |
| (12) Vocational Education Teacher Training .....   | 100,000.00   |
| <b>B. The University—Birmingham:</b>   |              |
| (1) For the University College:<br>Operation and maintenance .....                             | 9,655,000.00 |
| (2) For the School of Community and Allied<br>Health Resources .....                           | 1,123,000.00 |
| (3) For the School of Dentistry:<br>For operation and maintenance .....                        | 5,000,000.00 |
| (4) For Diabetes Clinics:<br>For operation and maintenance .....                               | 250,000.00   |
| (5) For Extension, Public Service and Re-<br>search .....                                      | 500,000.00   |
| (6) Urology Department:<br>Treatment, Research and Development .....                           | 400,000.00   |
| (7) Regional Technical Institute:<br>For operation and maintenance .....                       | 1,034,000.00 |
| (8) For Joint Health Science Program:<br>For operation and maintenance .....                   | 1,280,000.00 |
| (9) For Center for Labor Education and Re-<br>search .....                                     | 250,000.00   |
| (10) For Medical School:<br>(a) For operation and maintenance .....                            | 9,132,000.00 |
| (b) For operation and maintenance of Medi-<br>cal Information Service via Tele-<br>phone ..... | 100,000.00   |
| (c) For Department of Pediatrics .....   | 300,000.00   |
| (11) For Lurleen B. Wallace Cancer Program:<br>For operation and maintenance .....             | 250,000.00   |
| (12) For School of Nursing:<br>For operation and maintenance .....                             | 1,644,000.00 |
| (13) For School of Nursing—Scholarships .....  | 88,400.00    |
| (14) For Student Nurses—Loan Fund .....  | 12,000.00    |
| (15) For School of Optometry:<br>For operation and maintenance .....                           | 1,000,000.00 |
| (16) For the University Hospital and Clinics .....   | 2,100,000.00 |
| (17) Spinal-Cord Injury Program .....  | 175,000.00   |
| (18) For Family Residency Program:<br>(a) Anniston .....                                       | 200,000.00   |
| (b) Florence .....   | 200,000.00   |
| (c) Jefferson County .....   | 200,000.00   |
| (d) Tuscaloosa .....   | 200,000.00   |
| (e) Montgomery .....   | 200,000.00   |
| (f) Heflin .....   | 50,000.00    |
| (19) For construction and renovation at Diabetes<br>Research and Education Hospital .....      | 1,000,000.00 |

|   |              |
|---|--------------|
| C. The University—Huntsville: in Birmingham                             |              |
| (1) For operation and maintenance .....                                 | 4,356,000.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care) .....   | 1,900,000.00 |
| (b) For Ambulatory Care Center .....                                    | 350,000.00   |
| (3) For Division of Nursing—Scholarships .....                          | 18,000.00    |
| (To be expended in accordance with Act No. 2290, 1971 Regular Session.) |              |
| (4) Environmental Science Center .....                                  | 250,000.00   |
| (5) Motor Vehicle Research Center (1.6% State Cost-Grant) .....         | 50,000.00    |
| (6) School of Nursing .....   | 600,000.00   |

Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

|   |               |
|---|---------------|
| A. The College:   |               |
| (1) For operation and maintenance .....   | 26,605,000.00 |
| (2) Engineering Experiment Station .....  | 475,000.00    |
| (3) Television Education .....  | 300,000.00    |
| (4) Center for Vocational and Adult Teacher Education (The funds provided in sub-section (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adult education) ..... | 500,000.00    |
| (5) Psychology Department .....   | 100,000.00    |
| (6) Wildlife Research Unit .....  | 50,000.00     |
| (7) Public Service, Research & Extension .....  | 400,000.00    |

B. Agriculture Research:

|  |              |
|--|--------------|
| Alabama Agriculture Experiment Station at Auburn, for work and experimentation ..... | 5,460,000.00 |
|--|--------------|

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for laws and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land;

for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

|   |              |
|---|--------------|
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services ..... | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session .....  | 500,000.00   |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

|   |              |
|---|--------------|
| For operation and maintenance .....                           | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute ..... | 110,000.00   |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

|  |              |
|--|--------------|
| For operation and maintenance .....                                    | 7,307,000.00 |
| For School of Nursing Scholarships .....                               | 18,000.00    |
| (To be expended in accordance with Act No. 2288, 1971 Regular Session) |              |
| For Gadsden Program .....  | 245,000.00   |

Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:

|  |              |
|--|--------------|
| For operation and maintenance .....      | 2,475,000.00 |
| For School of Nursing Scholarships ..... | 18,000.00    |

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

|   |              |
|---|--------------|
| For operation and maintenance .....                             | 4,218,000.00 |
| For Speech and Hearing Clinic .....                             | 150,000.00   |
| For operation and maintenance of a Highway Safety Program ..... | 110,000.00   |

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

|  |              |
|--|--------------|
| For operation and maintenance .....                                    | 5,000,000.00 |
| For School of Nursing Scholarships .....                               | 18,000.00    |
| (To be expended in accordance with Act No. 2304, 1971 Regular Session) |              |



## Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

|   |              |
|---|--------------|
| (a) For operation and maintenance .....   | 7,442,000.00 |
| (b) For Coordinate College for Health Professions .....   | 542,000.00   |
| (c) For operation and maintenance of a College of Medicine .....  | 5,650,000.00 |
| (d) For Family Residency Program—Baldwin County .....   | 200,000.00   |
| (e) For Nursing Scholarships .....  | 18,000.00    |
| (To be expended in accordance with Act No. 2302, 1971 Regular Session)                                      |              |
| (f) For Teaching Hospital .....   | 850,000.00   |
| (For unrestricted support of health professions education conducted in the University Hospital and Clinics) |              |

## Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

|  |              |
|--|--------------|
| (a) For operation and maintenance .....  | 5,204,000.00 |
| (b) For operation and maintenance of Troy State University at Montgomery .....         | 165,000.00   |
| (c) For operation and maintenance of Troy State University at Fort Rucker-Dothan ..... | 165,000.00   |
| (d) For School of Nursing-Scholarships ..  | 36,000.00    |
| (To be expended in accordance with Act No. 2292, 1971 Regular Session)                 |              |
| (e) For Public Service Research and Extension .....                                    | 200,000.00   |

## Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

|  |              |
|--|--------------|
| (a) For operation and maintenance .....                                      | 2,960,000.00 |
| (b) For operation and maintenance of the Dept. of Adult Blind and Deaf ..... | 1,255,139.69 |
| (c) For operation and maintenance of the State Library for the Blind ....    | 60,000.00    |

## Section 13. DEBT SERVICE:

|  |            |
|--|------------|
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX .. | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX .....                     | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Re-   |            |

|  |            |            |
|--|------------|------------|
| search Institute pursuant to Constitutional Amendment No. CLVII  |            | 207,025.85 |
| (4) Interest on Endowments:  |            |            |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated  | 44,000.00  |            |
| For interest on Auburn University Endowment  | 20,280.00  |            |
| For interest on University of Alabama Endowment  | 61,000.00  |            |
| For interest on Grove Hill Endowment   | 600.00     |            |
| For interest on Public School Fund Endowment:  |            |            |
| Interest on 16th Section lands, Estimated  | 285,000.00 |            |
| Interest on School Indemnity lands, Estimated  | 67,135.81  |            |
| Interest on Valueless 16th Section lands   | 5,825.47   |            |
| Interest on Surplus Revenue  | 26,763.47  |            |
| Interest on James Wallace Fund   | 275.25     |            |
| Total  |            | 510,880.00 |
| Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:  |            |            |
| For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association   |            | 83,000.00  |
| (To be expended under the provisions of Act No. 792, 1965 Regular Session)   |            |            |
| Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:  |            |            |
| For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated |            | 6,930.00   |
| Section 16. ALABAMA EDUCATION STUDY COMMISSION:  |            |            |
| To be used for educational studies in  |            |            |

|             |  |               |
|-------------|--|---------------|
|             | accordance with Act No. 15, 1969 Special Session:  |               |
|             | For salaries, other expenses and equipment purchases .....   | 205,000.00    |
| Section 17. | ALABAMA EDUCATIONAL TELEVISION COMMISSION:   |               |
|             | For salaries .....   | 714,000.00    |
|             | For other expenses .....   | 500,000.00    |
|             | For equipment purchases ..   | 241,000.00    |
|             | For automotive equipment purchases .....   | 10,000.00     |
|             | For programming .....  | 375,000.00    |
|             | Total .....  | 1,840,000.00  |
| Section 18. | DEPARTMENT OF PUBLIC HEALTH:   |               |
|             | For transfer to the Department of Health:  |               |
|             | For Immunization of Pre-School and students ....   | 250,000.00    |
|             | For Public School Food Sanitation Program .....  | 250,000.00    |
|             | Total .....  | 500,000.00    |
| Section 19. | Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County .....  | 200,000.00    |
|             | (Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities. |               |
| Section 20. | MARINE ENVIRONMENTAL CONSORATORIUM:  |               |
|             | For operation and maintenance .....  | 325,000.00    |
| Section 21. | MEDICAL SCHOLARSHIPS BOARD:  |               |
|             | For Medical Scholarships at the University of Alabama Medical School .....   | 135,000.00    |
|             | (To be expended under the provisions of Act No. 278, 1965 1st Special Session)   |               |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT .....  | 25,000.00     |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE:  |               |
|             | State Aid to Counties .....  | 650,000.00    |
| Section 24. | SOCIAL SECURITY:   |               |
|             | For State's share of Social Security, Estimated .....  | 28,000,000.00 |

Section 25. SYLACAUGA NURSES TRAINING SCHOOL:

|  |           |
|--|-----------|
| For operation and maintenance .....                                    | 40,000.00 |
| For School of Nursing Scholarships .....                               | 18,000.00 |
| (To be expended in accordance with Act No. 2393, 1971 Regular Session) |           |

Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:

|  |               |
|--|---------------|
| For Teachers' Retirement System, Estimated ..... | 90,000,000.00 |
|--|---------------|

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

|   |              |
|---|--------------|
| For Teachers' Special Pension Fund, Estimated ..... | 4,000,000.00 |
|---|--------------|

Section 27. VETERANS EDUCATION BENEFITS:

For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated .....

900,000.00

Section 28. JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION .....

1,000.00

Section 29. YOUTH SERVICES BOARD:

|  |              |
|--|--------------|
| For operation and maintenance .....      | 5,100,000.00 |
| For salaries of Probation Officers ..... | 950,000.00   |

(To be expended in accordance with Act No. 816, 1973 Regular Session)

Youth Services Board—For Administration .....

400,000.00

Section 30. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED .....

29,100.00

Section 31. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS .....

64,000.00

Section 32. ALABAMA LEARNING RESOURCES CENTER:

(Instructional Materials Center) .....

60,000.00

Section 33. COMMISSION ON PHYSICAL FITNESS:

|                            |           |
|----------------------------|-----------|
| For salaries .....         | 48,300.00 |
| For other expenses .....   | 13,200.00 |
| For equipment purchases .. | 500.00    |

Total .....

62,000.00

Section 34. PUBLIC LIBRARY SERVICE:

|                    |            |
|--------------------|------------|
| For salaries ..... | 114,000.00 |
|--------------------|------------|

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|   |           |            |
|---|-----------|------------|
| For other expenses .....  | 28,000.00 |            |
| For books and periodicals ..  | 36,000.00 |            |
| <b>Total</b> .....  |           | 178,000.00 |
| Section 35. ALABAMA LAW INSTITUTE .....   |           | 125,000.00 |
| Section 36. ALABAMA LAW EN-<br>FORCEMENT PLAN-<br>NING AGENCY:  |           |            |
| For operation and main-<br>tenance of a law en-<br>forcement academy at<br>Troy State University ....   | 55,000.00 |            |
| For operation and main-<br>tenance of a law en-<br>forcement academy at<br>Jacksonville State Uni-<br>versity .....   | 55,000.00 |            |
| For operation and main-<br>tenance of a law en-<br>forcement academy at<br>John C. Calhoun Junior<br>College .....  | 55,000.00 |            |
| For operation and main-<br>tenance of a law en-<br>forcement academy at<br>Jefferson State Junior<br>College .....  | 55,000.00 |            |
| <b>Total</b> .....  |           | 220,000.00 |
| Section 37. WALKER COUNTY BOARD OF EDU-<br>CATION:  |           |            |
| For the use of the Sumiton Elementary ..  |           | 500,000.00 |
| Section 38. HENRY COUNTY BOARD OF EDUCA-<br>TION:   |           |            |
| For capital outlay purposes .....   |           | 300,000.00 |
| Section 39. BIRMINGHAM CITY BOARD OF EDU-<br>CATION:  |           |            |
| For Speech and Hearing Clinic .....   |           | 100,000.00 |
| Section 40. WINFIELD CITY BOARD OF EDUCA-<br>TION:  |           |            |
| For Capital Outlay .....  |           | 300,000.00 |
| Section 41. MORGAN COUNTY BOARD OF EDU-<br>CATION:  |           |            |
| Falkville High School<br>For the construction of a gymnasium ....   |           | 300,000.00 |
| Section 42. BIRMINGHAM SYMPHONY ASSOCIA-<br>TION, INC. ....   |           | 100,000.00 |
| (To be used for the support and main-<br>tenance of an expanded state-wide<br>music education program by the official<br>Symphony of the State of Alabama<br>for the young people in the primary<br>and secondary schools and to be ex- |           |            |

pended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

|             |  |            |
|-------------|--|------------|
| Section 43. | ARAB CITY BOARD OF EDUCATION ..  | 450,000.00 |
| Section 44. | STATE BOARD OF EDUCATION:<br>For additional construction and equip-<br>ping of the Atmore State Technical In-<br>stitute ..... | 228,000.00 |
| Section 45. | LOWNDES COUNTY BOARD OF ED-<br>UCATION:<br>For construction and equipping a burned<br>school in Lowndes County .....           | 300,000.00 |
| Section 46. | LAUDERDALE COUNTY BOARD OF<br>EDUCATION:<br>For capital outlay purposes for Central<br>School .....                            | 380,000.00 |
| Section 47. | BULLOCK COUNTY SCHOOL BOARD:<br>For burned out school buildings .....  | 250,000.00 |
| Section 48. | MACON COUNTY SCHOOL BOARD:<br>For burned out school buildings .....  | 250,000.00 |
| Section 49. | PERRY COUNTY BOARD OF EDUCA-<br>TION:<br>For capital outlay purposes for the school<br>located in Heiberger Community .....    | 300,000.00 |
| Section 50. | THE ALABAMA POST-SECONDARY<br>1202 COMMISSION:<br>For the Alabama Student Assistance Pro-<br>gram .....                        | 350,000.00 |
| Section 51. | ALABAMA PEACE OFFICERS AND<br>STANDARDS TRAINING COMMIS-<br>SION .....   | 50,000.00  |
| Section 52. | GADSDEN CITY BOARD OF EDUCA-<br>TION:<br>For Capital Outlay .....  | 300,000.00 |
| Section 53. | CHILTON COUNTY BOARD OF EDU-<br>CATION:<br>For Capital Outlay .....  | 450,000.00 |
| Section 54. | ALABAMA FIREFIGHTERS PERSON-<br>NEL STANDARDS EDUCATION<br>COMMISSION .....  | 30,000.00  |
| Section 55. | ALABAMA COUNCIL ON THE ARTS<br>AND HUMANITIES .....  | 150,000.00 |
| Section 56. | COVINGTON COUNTY BOARD OF ED-<br>UCATION:<br>For construction and equipment pur-<br>chases at Red Level Grammar School ..      | 450,000.00 |

Section 56-A COMMISSION ON  
HIGHER EDUCATION:

|   |            |            |
|---|------------|------------|
| For salaries .....  | 220,000.00 |            |
| For other expenses .....  | 55,000.00  |            |
| Total .....   |            | 275,000.00 |
| (To be expended in accordance with<br>Act No. 14, 1969 Special Session) |            |            |

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

Mr. Gilmore offered the following amendment to the substitute for the Bill, H. B. 9, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 9

On Page 11, insert after Section S (j) the following:

(k) There is hereby appropriated to the State Department of Education for the exclusive purpose of purchasing from Capitol Development Company, Ltd. certain real property the legal description of which is set out in recorded mortgage deed at Real Property Vol. 193 at pages 813 through 825 in Montgomery County, said property consisting of 68,000 square feet more or less in the City of Montgomery in a city block bounded by the streets of Washington Avenue, Decatur Street, Hull Street and Adams Avenue, the sum of \$1,611,000.

There is hereby appropriated to the State Department of Education for the exclusive purpose of purchasing and exercising an option held by Capitol Development Company, Ltd. to purchase from the Scottish Rite Association of Alabama certain real property adjacent and contiguous to the above described property of Capitol Development Company, Ltd., the sum of \$475,250.

The State Superintendent of Education, the State Board of Education and all other responsible parties are hereby mandated and required to purchase the property for which said appropriations are herein provided no later than thirty (30) days after the effective date of this act. The Legislature hereby mandates and requires the expenditure of the sums

appropriated herein for the above stated purposes, notwithstanding the provisions of any other law of the State of Alabama, including Title 55, Sections 101 and 102 of the Code of Alabama 1940 (recompiled 1958).

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 18.

**Yeas:**

Messrs. Edwards, Jones, King, Little, McDonald (S), Mitchell, Noonan, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert.

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**Nays:**

Messrs. Adams, Baker, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Powell, Vacca, Waldrop, Wilson.

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And said amendment was adopted by the Senate.

Mr. Mitchell offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Owen substitute for House Bill No. 9, Page 15, Line 24, by striking out "\$5,160,000.00" and substituting in lieu thereof the figure: "\$5,414,000.00."

Which was adopted.

Mr. Flippo offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Senate Substitute for House Bill No. 9, Page 4, Line 16, 17, 18, by striking out Section 3 J (d) in its entirety.

Further amend the Senate Substitute by striking the figure "\$353,935,100.00" on Page 6, line 32, and inserting the figure "\$353,435,100.00"

Further amend the Senate Substitute by striking the figure "\$372,334,050.00" on Page 10, line 35, and inserting the figure "\$371,834,050.00."

Which was adopted.

Mr. Perloff offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend the Senate Substitute for House Bill No. 9, Page 9, Line 7, by inserting after the word "annum" the following: conditioned upon taking the scholastic aptitude test that is given to senior high school students and attaining a score sufficient to qualify a person for admittance to the school of education of Auburn University or the University of Alabama as a beginning freshman.

(At 11:15 A.M., the President and Presiding Officer of the Senate announced that unanimous consent had been granted to invoke Senate Rule 20 at 1 o'clock this afternoon.)

On motion of Mr. Mims, said amendment was laid on the table.



Mr. Edwards offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9

Amend substitute for H. 9, Section 3, subsection J, paragraph (e) on page 4 by deleting the figure "\$25,000," and substituting in lieu thereof the figure "\$45,000."

And said amendment was then lost.

Mr. Ellis offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9

Amend Section 3 of Substitute for House Bill No. 9, by adding on page 15, line 16, the following:

For training emergency medical technicians ..... 95,000.00

On motion of Mr. Owen, said amendment was laid on the table.

Mr. McDonald (S) offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9

Amend Substitute for H. 9 on page 8, line 1, Section 3, S, (d) to read as follows:

(d) Of the amount appropriated above in sub-section (a) two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers allotted (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials and equipment, excluding furniture and fixtures. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities.

On motion of Mr. Owen, said amendment was laid on the table.

Mr. McDonald (S) then offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9

Amend House Bill No. 9, Page 2, by striking out Section 3B and relettering all sub-sections.

Which was lost.

Mr. Stewart offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend the Owen substitute for H. B. 9 as amended by deleting the third paragraph of Section S (k) on page 11 and inserting in lieu thereof the following paragraph:

The purchase of the property described above cannot be made until the following conditions are met:

(1) The state must secure the appraisal of said property by two qualified appraisers.

(2) The state must enter into negotiations with the owners of said property and make an effort to agree on a fair and reasonable purchase price.

(3) No attorneys fees, real estate fees or other normal loan closing costs may be paid by the state as a part of the purchase price for the property described above.

After the above conditions are met, the State Department of Education, through the State Superintendent of Education and with the approval of the State Building Commission, shall enter into a contract to purchase the above described property for a reasonable purchase price. It is the intent of the Legislature in adding this amendment that the state pay only the fair market value for the subject property.

On motion of Mr. Gilmore, said amendment was laid on the table.

Yeas 18; Nays 10.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McMillan, Owen, Pearson, Powell, Vacca, Waldrop, Wilson.

—18

**Nays:**

Messrs. Edwards, Jones, King, Little, McDonald (S), Mitchell, Perloff, Roberts, St. John, Stewart.

—10

Mr. Noonan offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend House Bill 9, page 11, after line 27, Section 3, S Minimum Program by adding the following subsection (k):

(k) There is hereby appropriated \$4,000,000 to the State Board of Education which shall allocate and pay from said appropriation not less than four hundred (400) additional teacher units for a Kindergarten program over and above the current allocation.

All special education units other than the early childhood and multi-system units, Kindergarten and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units

necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Owen substitute for House Bill 9, Page 5:

Amend Section 3, sub-section N by adding: For disbursement to local boards of education on an earned teacher unit basis where a plan for in-service education submitted by the local system is approved by the State Department of Education ..... \$800,000.00

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Section 3, subsection Q, line 23 by inserting after the word "professional" the following "and non-professional".

Amend Section 3, subsection 2, line 8 by inserting after the word "professional" the following "and non-professional."

Which was lost.

Mr. Waldrop then offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Owen substitute for House Bill No. 9 Page 28 Line 38, by inserting the following after the word Section 56-A, a new section, Section 56-B.

Cherokee County Board of Education for capital outlay ....\$250,000.00.

**Section 56-C:**

Etowah County Board of Education for capital outlay at Rainbow City ..... \$400,000.00

**Section 56-D:**

Attalla City Board of Education for capital outlay .....\$200,000.00.

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Owen substitute, for H. B. 9 Page 28 by adding a Section 56-B to read as follows:

Alexander City Junior College:

For a one-time grant for Prisoner Education ..... \$125,000.00.

Which was adopted.

Mr. Perry offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

On page 28 following line 37, insert the following section as Section 57 and renumber subsequent sections accordingly:

**Section 57. SOUTHERN VOCATIONAL COLLEGE  
IN TUSKEGEE:**

For operational maintenance ..... 50,000.00

Such appropriation shall be conditional  
upon the condition of the Alabama  
Special Educational Trust Fund and  
with the approval of the Governor.

On motion of Mr. Owen, said amendment was laid on the table.

Mr. King offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Owen substitute for House Bill No. 9, as amended, Page 6, by striking out lines 12, 13 and 14.

On motion of Mr. Owen, said amendment was laid on the table.

On motion of Mr. Fine, the Senate reconsidered the vote by which it adopted Mr. Little's amendment No. 2.

On motion of Mr. Fine, said amendment was laid on the table.

Mr. Perloff offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend subsection (g) on page 9 by striking the words on line 27½ "teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program" and adding in lieu thereof the following:

"employee of each local or county Board of Education, other than Title I, Title III and ESAA personnel"

Further amend subsection (g) by adding on page 9, line 28½ after the word "provide" the word "only".

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Torbert offered the following amendment to the substitute, as amended, for the Bill, H. B. 9, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 9**

Amend Owen substitute for House Bill No. 9 Page 5 Line 12, by striking out the following unnumbered paragraph in it entirety, to-wit:

"In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year, a course in Basic Economics."

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 9, was then adopted by the Senate.

Yeas 21; Nays 10; Abstaining 1.

**Yeas:**

Messrs. Adams, Bank, Fine, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Wilson.

—21

**Nays:**

Messrs. Baker, Edwards, Flippo, Jones, King, Little, McDonald (S), Perry, Stewart, Torbert.

—10

**Abstaining:** Mr. Waldrop.

—1

And said Bill, H. B. 9, as thus amended by the substitute, was read a third time at length and passed.

Yeas 21; Nays 10.

**Yeas:**

Messrs. Adams, Bank, Fine, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Vacca, Wilson.

—21

**Nays:**

Messrs. Baker, Edwards, Flippo, Jones, King, Little, Perry, Roberts, Stewart, Torbert.

—10

#### MESSAGE FROM THE HOUSE

**Mr. President:**

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

**By Mr. Lee:**

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

**Also:**

**By Messrs. Lutz, Albright and Smith (B):**

H. 177. To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of One Thousand (\$1,000.00) Dollars shall be transferred from the District Attorney's Fund of Madison County into the General Fund of Madison County each month to help defray the cost of providing parking for petit and grand jurors in Madison County.

Section 2. The person having control of the District Attorney's Fund shall, on the first day of each month, issue a warrant for the amount provided in Section 1 of this Act, payable to the General Fund of Madison County or otherwise cause said amount to be transferred from the District Attorney's Fund into the General Fund.

Section 3. All laws or parts of laws, whether general, local or special, which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 7, 14, 21 and 29, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 30 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. Johnson:

H. 154. To fix the salary of the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 115,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census.

Also:

By Mr. Reed:

H. 250. Relating to counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the most recent

federal decennial census, providing for one full time and one part time clerk for the tax collector of any such county, and providing terms and compensation for such clerks.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 43, 177, 154 and 250. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. White, Hall, Tucker, Porter and Howard:

H. 168. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Also:

By Messrs. Martin, Gafford, Warren, Higginbotham, Kinsey, Starkey, Taylor, Ford, Falkenburg, Sasser, Moore (O), Greer, McCulley, Roberts, Pegues, Smith (M), Sparks, Mitchem, Holley, Trammell, Brindley, Carter, Moore (W), Hall, Hines, Lee, Manley, Kelley, Callahan, Sonnier, Malone, Reed, Hill, Teague, Waggoner, Drake, Weeks, Naramore, McCluskey, Armstrong, Venable, Coburn, Leonard, Boles, Robertson, Johnson, McNees, Quarles, Hopping, Williams, Crawford, Folmar, Wyatt, Barron, Owens, Holmes, McMillan, Killian and Rich:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Also:

By Messrs. Smith (M), Higginbotham and Turnham:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

By Messrs. Smith (M) and Higginbotham:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the

board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Also:

By Mr. Drake:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

Also:

By Mr. McNair:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Also:

By Mr. Morris:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Also:

By Mr. Owens:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor, and providing retroactive application therefor.

Also:

By Messrs. Smith (C), Moore (O) and Waggoner:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Also:

By Messrs. Moore (W) and Carter:

H. 200. To amend Section 1 of Act No. 281, H. 279, Regular Session 1969 (Acts 1969, p. 614) relating to the safe transportation of pupils to and from school so as to provide certain qualifications for school transportation managers or supervisors.

Also:

By Mr. Naramore:

H. 148. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial Relations, designated in writing by the Director thereof, shall be peace of-



ficers of the State of Alabama with police power to enforce the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

Also:

By Messrs. LeFlore, Smith (J), Johnstone, Morris, Kennedy, McCulley, Malone, Callahan, Sonnier, Sandusky, McMillan, Teague, Johnson, Martin, Cooper, Coburn, Kinsey, Lockett and Greer:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the \$25.00 per day maximum amount allowable for in-state travel.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 168, 202, 241, 242, 22, 128, 222, 99, 120, 200, 148 and 63. To the Committee on Education.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 5. COMMENDING L. B. STEPHENS UPON HIS RETIREMENT FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF PARDONS AND PAROLES AND HIS MANY YEARS OF SERVICE TO THE STATE.

Also:

H. J. R. 8. NAMING THE ALABAMA DEEP SEA FISHING RODEO, "THE OFFICIAL ALABAMA DEEP SEA FISHING RODEO."

Also:

H. J. R. 9. RECOMMENDING THAT THE BIRMINGHAM VULCANS BE ADMITTED INTO THE NATIONAL FOOTBALL LEAGUE.

Also:

H. J. R. 11. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO USE THEIR PERSUASION TO INFLUENCE THE FEDERAL GOVERNMENT'S PARTICIPATION IN ALABAMA'S PILOT PRISONER RELEASE PROGRAM.

Also:

H. J. R. 18. CREATING THE CAHABA RIVER COMMISSION.

Also:

H. J. R. 19. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

Also:

H. J. R. 23. URGING THE SPELLING OF BRINDLEE MOUNTAIN PARKWAY AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.

Also:

H. J. R. 31. REQUESTING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE OPERATION OF THE OFFICE OF THE BESSEMER DIVISION OF THE JEFFERSON COUNTY COURT HOUSE.

Also:

H. J. R. 38. CREATING A CITIZEN'S STUDY COMMITTEE TO DETERMINE WHETHER THE ROADS AND BRIDGES IN BALDWIN COUNTY SHOULD REMAIN UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 13. COMMENDING REVEREND W. M. REEVES UPON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions the titles of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 12. COMMENDING THE SYLACAUGA BEAUTIFICATION COUNCIL.

Also:

H. J. R. 14. COMMENDING STEVE McMILLAN UPON BEING NAMED BALDWIN COUNTY "REALTOR OF THE YEAR."

Also:

H. J. R. 15. COMMENDING ROBERTA FULLER SPEH, NAMED BY SOUTH BALDWIN BUSINESS AND PROFESSIONAL WOMEN "WOMAN OF ACHIEVEMENT."

Also:

H. J. R. 16. CONGRATULATING MR. AND MRS. HARRIS C. GRANT ON THEIR TWENTY-FIFTH WEDDING ANNIVERSARY.

Also:

H. J. R. 17. CONGRATULATING GEORGE ENGEL FOR HIS OUTSTANDING SERVICE IN RURAL ELECTRIC COOPERATIVES, LOCALLY AND NATIONAL.

Also:

H. J. R. 20. PROCLAIMING THE 8TH ANNUAL MILLBROOK FESTIVAL, ARMED FORCES DAY CELEBRATION THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

Also:

H. J. R. 37. COMMENDING MRS. ROBERT G. KENDALL, JR. FOR HER WORK WITH THE CHRISTMAS SEAL CAMPAIGN IN CONECUH COUNTY.

Also:

H. J. R. 36. CONGRATULATING JAMES A. POWELL FOR HIS ELECTION AS CONECUH COUNTY'S TEACHER OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions the titles of which are set out in the foregoing Message from the House.

#### REPORT FROM THE RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Fred R. Jones and Honorable James R. Owen to the rank of Brigadier General.

On motion of Mr. Fine, the appointment of Messrs. Jones and Owen to the rank of Brigadier General was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan,

Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—28

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Johnson, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, (Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 51. COMMENDING TAYLOR HARDIN AND STAFF FOR PROGRESS IN THE MENTAL HEALTH FIELD.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Shelby, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Crowe and Naramore:

H. J. R. 48. COMMENDING AND THANKING REVEREND GUS NICHOLS FOR HIS MANY CONTRIBUTIONS TO JASPER AND WALKER COUNTY.

WHEREAS, Reverend Gus Nichols of Walker County has spent his 85 years contributing immeasurably to the betterment of the citizens of this State, and Jasper and Walker County in particular; and

WHEREAS, this venerable gentleman has enriched the lives he has touched not only in this nation but also in Europe and the Mideast where he has preached extensively; and

WHEREAS, the Reverend Nichols has performed his ministry by: Serving the Sixth Avenue Church of Christ for over 40 years; serving on the Boards of Trustees of Alabama Christian College in Montgomery

and the Childhaven Children's Home in Cullman; and speaking over a 40-year period at the Freed-Hardeman College, Henderson, Tennessee; and

WHEREAS, the Reverend Nichols has distinguished himself as an orator, debator and author of eight books; and

WHEREAS, in 1966 the Magic Valley Christian College in Iowa conferred an honorary doctorate degree on the Reverend Nichols; and

WHEREAS, the Reverend Nichols has eight fine children—four sons who are ministers and four daughters, all who married ministers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Reverend Gus Nichols whose way of life has inspired us and we do express to him our appreciation and deep admiration for all of his many contributions to his fellow man which will remain forever as a monument to him.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to the Reverend Gus Nichols.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 48, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Carothers:

H. J. R. 45. REQUESTING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD TO CEASE EFFORTS TO CIRCUMVENT A LEGISLATIVE ACT.

WHEREAS, the Legislature of Alabama during the Special Session of 1936-1937 did establish that "every hotel, restaurant, or club licensee may sell liquors in original, unbroken packages or containers as purchased from Alabama liquor stores for consumption only in that part of the club, hotel or restaurant habitually used for serving of food to guests or patrons and, in the case of hotels and clubs, to guests or members in their private rooms in the hotel or club;" and

WHEREAS, it has come to the attention of the 1975 Legislature of Alabama that the Alabama Alcoholic Beverage Control Board has by its original action attempted to circumvent the requirements of Code of Alabama 1940, Title 29, Section 21, providing for the dispensing of alcoholic beverages in miniatures; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Alcoholic Beverage Control Board be requested to cease their efforts to alter this proper legislative act except by legislative action.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 45, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amount payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Also:

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Also:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

Also:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce

printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Also:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Also:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Also:

S. 62. To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Also:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Also:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

JOHN W. PEMBERTON,  
Clerk.

RECESS

At 12:30 P.M., on motion of Mr. Fine, the Senate took a recess until 2 o'clock this afternoon.



AFTERNOON SESSION  
FIFTH LEGISLATIVE DAY  
FRIDAY, NOVEMBER 7, 1975

The Senate reassembled at 2 o'clock P. M., Lieutenant Governor Beasley presiding.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 28. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY SJR 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY SJR 101, ACT NO. 1046, APPROVED SEPTEMBER 12, 1969, AND CONTINUED BY HJR 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

Also:

H. J. R. 40. Welcoming Exchange Students from the Republic of Colombia.

Also:

H. J. R. 41. CONGRATULATING JENNIE CHANDLER ON WINNING DIVING AWARD IN THE PAN AMERICAN GAMES IN MEXICO CITY.

Also:

H. J. R. 42. CONGRATULATING AND COMMENDING MISS JACKIE BEASLEY ON BEING SELECTED ALABAMA TEXTILE QUEEN.

Also:

H. J. R. 46. Endorsing the Application of the Medical Association of Alabama to Conduct a Pilot Program in the American Medical Association Program to Improve Medical Care and Health Services in Jails.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles

had been publicly read at length by the Secretary of the Senate, signed the foregoing resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Also:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Also:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Also:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Also:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of raccoons and opossums under certain conditions.

Also:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Also:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Also:

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Also:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Also:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Also:

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Also:

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

Also:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Also:

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

Also:

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Also:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

Also:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Also:

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Also:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Also:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Also:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Also:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had

been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### RESOLUTIONS

Mr. Little offered the following Senate Joint Resolution, to-wit:

**S. J. R. 21. REQUESTING THE DEPARTMENT OF THE EXAMINERS OF PUBLIC ACCOUNTS TO EXAMINE ALL STATE LEASES.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Department of the Examiners of Public Accounts is requested to examine all State leases now in existence between any State agency, the State itself or any authority or other legal entity thereof and any private entity (Lessor) which leases have more than thirty (30) days from present time to its future expiration before it will expire or be removed.

The Examiner of Public Accounts is requested to make a complete and comprehensive report to the Legislative Committee on Examiners of Public Accounts as soon as possible but not later than sixty (60) days from this date. Including therein the property owners including, but not limited to all General Partners, limited partners, all stockholders if a corporation, also, all parties involved if property or improvements are sub-leased to lessor for the purpose of leasing to state agency and number of times lease was renewed with same parties showing terms and conditions of prior period leases. Also include lessor, if different from property owner, amount of parking space provided in lease and cost thereof to State, terms of lease, annual dollar amount of lease, annual dollar cost to State per square foot, total rentable square feet, and services furnished, annual escalator clauses, and the department of the State or the entity which has leased the property and improvements and any other facts which are pertinent to the lease in the opinion of the Department of Examiners of Public Accounts. The Examiner shall also show the approving authority and individual executing on behalf of the State. The Examiner, in addition to the above, is requested to show in summary Lessors with more than one State lease and/or Lessors receiving rentals in excess of \$5,000 per year.

The Examiner of Public Accounts is also requested to report in summary and in addition to the above all office space leased by any state agency in Montgomery County, Alabama disclosing the amount of square footage per lease with stipulated monthly and yearly rental; the average cost of utilities per lease per month, excluding telephone service expense and the distance to the nearest tenth of a mile said leased premises is located from the State Capitol.

Which was read and referred to the Standing Committee on Rules.

Mr. Owen offered the following Senate Joint Resolution, to-wit:

**S. J. R. 22. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That when the two Houses adjourn today, they adjourn sine die.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Bank offered the following Senate Joint Resolution, to-wit:

**S. J. R. 23. WHEREAS,** The Legislature has been in almost constant session since January, 1975; and

WHEREAS, All necessary appropriations for the orderly continuation of state functions and state schools have been passed; and

WHEREAS, The overwhelming majority of the members of the Legislature see no pressing need to justify yet another extraordinary session; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we respectfully request Governor Wallace to reconsider his intent to call another extraordinary session of the Legislature.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Governor Wallace.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 10. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

Also:

S. J. R. 11. Relative to establishing Alabama Council on Historic Pilgrimages.

Also:

S. J. R. 18. CONGRATULATING SENATOR FRED JONES ON HIS PROMOTION TO BRIGADIER GENERAL IN THE ALABAMA ARMY NATIONAL GUARD.

Also:

S. J. R. 19. AUTHORIZING AND PAYING FOR ATTENDANCE OF TWO LEGISLATIVE MEMBERS AT ANNUAL MEETING OF SOUTHERN GROWTH POLICIES BOARD.

Also:

S. J. R. 20. CREATING A JOINT INTERIM COMMITTEE TO STUDY RECOVERY, REUSE AND RECYCLING OF MATERIALS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 10. Relative To CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.

JOHN W. PEMBERTON,  
Clerk.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 16. MOURNING THE DEATH OF WILLIAM VIRGIL RUNYAN.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 43. COMMENDING CAROL HOOD WARREN, NAMED "WOMAN OF ACHIEVEMENT" BY WALKER COUNTY HOME EXTENSION CLUBS.

Also:

By Mr. Crowe:

H. J. R. 44. MOURNING THE DEATH OF EDGAR FILES, RESIDENT OF CARBON HILL, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Wilson, the Rules were suspended and the Resolutions, H. J. R.'s 43 and 44, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Also:

S. 51. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mrs. Quarles:

H. 257. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Also:

By Mrs. Quarles:

H. 260. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Also:

By Messrs. Johnstone and Malone:

H. 158. To amend the Act providing for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) so as to provide further for the distribution.

Also:

By Messrs. Sonnier, Cooper, LeFlore, Malone, Johnstone, Kennedy and Sandusky:

H. 262. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 257, 260, 158 and 262. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Also:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Re-compiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or

renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Also:

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Also:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Also:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles; to provide for a refund to persons who purchase their tags before the effective date of this act.

Also:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Also:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Also:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Jones, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 147, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 147

Amend Senate Bill 147 by deleting the title in its entirety and substituting in lieu thereof the following:

Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

## AMENDMENT TO S. B. 147

Amend Senate Bill 147 by deleting Section 3 in its entirety and substitute in lieu thereof the following:

Section 3. Any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; in the event said governing bodies provide that said tax levied shall become law only upon approval of a majority of those voting in any election called for by said governing body for such purpose, then said election shall be held not less than 30 days nor more than 90 days after said county governing body adopts such a resolution.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell,

Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 31, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 31

Amend S. B. 31 by inserting on page 1, line 26, immediately following the word "county," the following words:

, the Etowah County Commission,

and also by inserting on page 10, line 17, immediately following the word "Gadsden," the following words:

and the Gadsden School Board

also by deleting on page 10, line 18, the word "expenses" and inserting in lieu thereof the word: costs

also by inserting on page 10, line 19, following the word "act," the following words:

and other necessary services and expenses

#### HOUSE AMENDMENT TO S. B. 31

Amend S. B. 31 in Section 3, Page 4, immediately following Line 14 by adding a new Section E(1) as follows:

"E (1) For draft beer sold and delivered within in all areas in Etowah County, all proceeds from the  $\frac{1}{2}\text{¢}$  per ounce privilege license tax to be distributed according to the following percentage:

83.33  $\frac{1}{3}\%$  (5¢ per 12 ounces) to the city and county boards of education to be divided pro rata among them in accordance with the most recent average daily attendance figure to be used for capital outlay purposes, renovation and repairs.

16.66 2/3% (1¢ per 12 ounces) to the municipalities in Etowah County within which draft beer is sold at retail, to be divided among them pro rata according to the population as established in the most recent federal decennial census."

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Waldrop, Wilson.

—25

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 17. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Torbert, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 17, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 17

Amend Senate Bill 17, page 1, line 13 by striking the words and inserting in lieu thereof the words Relating to the two largest cities in all counties.

Also amend Senate Bill 17, page 1, lines 20 and 21 by striking the words and inserting in lieu thereof the words Section 1. All recorders courts in the two largest cities

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

### BILLS ON THIRD READING RESUMED

The Bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of

Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 214, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 214

Section 4 is hereby amended to read as follows:

**SECTION 4.** Any law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Teachers' and Employees' Retirement Systems on each and every payroll of such employer for each and every payroll period 5 per centum of his earnable compensation, except in the case of a state policeman the rate of 10 per centum of earnable compensation shall apply.

Any law or part of law to the contrary notwithstanding, the rate of contribution to the judicial retirement fund which a probate judge, a district court judge, a circuit judge and an appellate justice or judge shall pay shall be at the rate of 5 per centum in accordance with the applicable provisions of Act No. 1205, approved October 10, 1975, and Act No. 1163, approved September 18, 1973, but such increased rate of contribution over and above the applicable rate of contribution required by said Act No. 1205 and/or said Act. No. 1163 shall not be effective until February, 1977.

Mr. Flippo moved that said amendment be laid on the table, which motion was lost.

Mr. Gilmore offered the following amendment to the Committee amendment for the Bill, H. B. 214, to-wit:

#### AMENDMENT TO COMMITTEE AMENDMENT TO H. B. 214

Section 4 is hereby amended to read as follows:

**"Section 4.** Any law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Teachers' and Employees' Retirement Systems on each and every payroll of such employer for each and every payroll period 5 per centum of his earnable compensation, except in the case of a state policeman the rate of 10 per centum of earnable compensation shall apply.

Any law or part of law to the contrary notwithstanding, the rate of contribution to the judicial retirement fund which a probate judge, a district court judge, a circuit judge and an appellate justice or judge shall pay shall be at the rate of 10 per centum in accordance with the applicable provisions of Act No. 1205, approved October 10, 1975, and Act No. 1163, approved September 18, 1973, but such increased rate of

contribution over and above the applicable rate of contribution required by said Act No. 1205 and/or said Act. No. 1163 shall not be effective until February 1, 1977."

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 21; Nays 6.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Wilson.

—21

*Nays:*

Messrs. Flipppo, Gilmore, Jones, Little, McDonald (A), Owen.

—6

And said Committee amendment was then adopted by the Senate.

Yeas 23; Nays 3.

Abstaining 2.

*Yeas:*

Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—23

*Nays:* Messrs. Flipppo, Owen, Sewart.

—3

*Abstaining:* Messrs. Adams and St. John

—2

Mr. Gilmore then offered the following amendment to the Bill, H. B. 214, as amended, to-wit:

#### AMENDMENT TO H. B. 214, AS AMENDED

Amend House Bill No. 214, Page 12 Line 27, by inserting "seven" after the word "rate of"

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 16, Nays 15.

Abstaining 1.

*Yeas:*

Messrs. Clemon, Edwards, Fine, Foshee, Givhan, King, Littleton, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Wilson.

—16

*Nays:*

Messrs. Bank, Ellis, Flipppo, Gilmore, Jones, Little, McDonald (S), McMillan, Noonan, Owen, Powell, Roberts, St. John, Stewart, Waldrop.

—15

*Abstaining:* Mr. Adams

—1

Mr. Gilmore then offered the following amendment to the Bill, H. B. 214, as amended, to-wit:



## AMENDMENT TO H. B. 214, AS AMENDED

Amend House Bill No. 214, Page 12 Line 27, by striking out "five" and inserting "six" after the word "rate of"

Which was adopted.

Yeas 23; Nays 6.

Yeas:

Messrs. Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart.

—23

Nays:

Messrs. Edwards, Mims, Perloff, Shelby, Vacca, Wilson.

—6

Mr. Mitchell offered the following amendment to the Bill, H. B. 214, as amended, to-wit:

## AMENDMENT TO H. B. 214, AS AMENDED

Amend House Bill No. 214 Page 12 by adding at the end of Section 5, Section 5-A to read as follows:

Any probate judge who has attained the age of 80 years and has served as probate judge for 34 years or more may retire pursuant to the provisions of Act No. 1205, S. 400, 1975 Regular Session, and draw benefits on January 1, 1976, any provision of said act to the contrary notwithstanding, including stated effective date within said act.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—28

Nays:

—0

Mr. Jones offered the following amendment to the Bill, H. B. 214, as amended, to-wit:

## AMENDMENT TO H. B. 214, AS AMENDED

Amend H. B. 214, as amended, page 2, the title, line 7, by inserting after the word "credit", the following:

retroactive to October 1, 1975,

Also on page 12, Section 3(2)(a), line 10, by inserting after the word "forces" the following:

The provisions of this subsection (3(2)(a)) shall be retroactive to October 1, 1975

Also on page 12, Section 3(2)(b), line 16, by inserting after the word "who", the following:

prior to October 1, 1975,

Which was adopted.

Yeas 13; Nays 6.

Yeas:

Messrs. Bank, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Pearson, Vacca.

—13

Nays:

Messrs. Baker, Clemon, McDonald (S), St. John, Stewart, Torbert. —6

Mr. Edwards offered the following amendment to the Bill, H. B. 214, as amended, to-wit:

#### AMENDMENT TO H. B. 214, AS AMENDED

Amend House Bill No. 214, by inserting after the word "per centum" in the first sentence of the second paragraph of the only Amendment Attached to said Bill in the Finance and Taxation Committee the following language:

"of their salary derived from the State of Alabama"

Which was adopted.

Yeas 22; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, King, Little, Littleton, McDonald (A), Mims, Noonan, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—22

Nays: Messrs. Jones and Owen.

—2

Mr. Owen offered the following amendment to the Bill, H. B. 214, as amended, to-wit:

#### AMENDMENT TO H. B. 214, AS AMENDED

Amend House Bill 214 by deleting Section 3 (3) in its entirety.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Bank, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—23

Nays:

—0

And said Bill, H. B. 214, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 6.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Givhan, Jones, Little,

McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Torbert, Vacca.

—20

*Nays:*

Messrs. Fine, Foshee, King, Littleton, Powell, Stewart.

—6

*Abstaining:* Mr. Waldrop.

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Merrill, Manley and Owens.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Owen, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 9, the title of which is set out in the foregoing Message from the House.

Yeas 27; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—27

*Nays:* Messrs. Fine and Givhan.

—2

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Owen, Fine and Wilson.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, pro-

viding compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees not acting in supervisory positions for the employer and to unions and union representatives making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

Mr. Stewart moved that the Senate concur in the following House amendment to the Bill, S. B. 80, the title of which is set in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 80

#### A BILL TO BE ENTITLED AN ACT

To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the

employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 259 of Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 259. Extraterritorial Coverage.

(A) If an employee, while working outside of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by this act had such injury occurred within this state, such employee, or in the event of his death resulting from such injury, his dependents, shall be entitled to the benefits provided by this act, provided that at the time of such injury.

1. his employment was principally localized in this state, or
2. he was working under a contract of hire made in this state in employment not principally localized in any state, or
3. he was working under a contract of hire made in this state in employment principally localized in another state whose workmen's compensation law was not applicable to his employer, or
4. he was working under a contract of hire made in this state for employment outside the United States.

(B) The payment or award of benefits under the workmen's compensation law of another state, territory, province, or foreign nation to an employee or his dependents otherwise entitled on account of such injury or death to the benefits of this act shall not be a bar to a claim for benefits under this act; provided that claim under this act is filed within the time limits set forth in Section 296. If compensation is paid or awarded under this act:

1. The medical and related benefits furnished or paid for by the employer under such other workmen's compensation law on account of

such injury or death shall be credited against the medical and related benefits to which the employee would have been entitled under this act had claim been made solely under this act;

2. The total amount of compensation paid or awarded the employee under such other workmen's compensation law shall be credited against the total amount of compensation which would have been due the employee under this act, had claim been made solely under this act;

3. The total amount of death benefits paid or awarded under such other workmen's compensation law shall be credited against the total amount of death benefits due under this act.

(C) The recovery of any compensation benefits under the law of any other state shall bar any common law or statutory right of action for damages that an employee or his dependents might otherwise have had against the employer or the officers, directors or employees of the employer as a result of the injury or death on account of which such compensation benefits were paid.

(D) If, as a result of an employment principally localized in another state, an employee of an employer who would have been subject to this act had the contract of employment been entered into this state for performance in this state, suffers injury or death as a result of an accident occurring in this state, compensation and medical, surgical and hospital benefits on account of such injury or death may be recovered under this act.

(E) As used in this section:

1. "United States" includes only the states of the United States and the District of Columbia;

2. "state" includes any state of the United States, or the District of Columbia;

3. A person's employment is principally localized in this or another state when his employer has a place of business in this or such other state and he regularly works at or from such place of business, or if he is domiciled and spends a substantial part of his working time in the service of his employer in this or such other state;

4. An employee whose duties require him to travel regularly in the service of his employer in this and one or more other states, may, by written agreement with his employer, provide that his employment is principally localized in this or another such state, and, unless such other state refuses jurisdiction, such agreement shall be given effect under this act.

Section 2. Subsection (d) of Section 262, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

(d) The term "employer" as used herein shall mean every person not excluded by Section 263 of this title who employs another to perform a service for hire and to whom the "employer" directly pays wages, and shall include any person or corporation, co-partnership, or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer being entitled to the employer's rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business; however notwithstanding any section of articles 1 and 2 of this chapter, in no event shall a common carrier by motor vehicle

operating pursuant to a certificate of public convenience and necessity be deemed the "employer" of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

Section 3. Section 263, Title 26, Code of Alabama 1940, as last amended, is hereby amended as follows:

Section 263. Articles 1 and 2 of chapter not applicable to certain employments. Articles 1 and 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter, or to persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer, who regularly employs less than three employees in any one business or to any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district. Any employer who regularly employs less than three employees in any one business, any farmer, or any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district may accept the provisions of articles 1 and 2 of this chapter by filing written notices thereof with the department of Industrial Relations, a copy thereof to be posted at the place of business of said employer and provided further, that any employer who has so elected to accept the provisions of articles 1 and 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

Section 4. Section 272, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 272. Excluding other remedies.

The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death; and except as herein provided in article 1 and article 2 (as the case may be) of this chapter, no employer included within the terms of this chapter, and no officer, director, agent, servant or employee of such employer shall be held civilly liable for any personal injury to or death of any workman who is an employee of the same employer and whose injury or death is due to accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 5. Section 279, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 279. Compensation shall be payable as follows:

(A) Temporary Total Disability.

For injury producing temporary total disability, sixty-six and two-thirds percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if at the time of injury the employee received average weekly earnings of less than the minimum

stated in section 289 of this title, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, not, however, beyond three hundred weeks. Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(B) Temporary Partial Disability.

1. In general.

In all cases of temporary partial disability the compensation shall be sixty-six and two-thirds percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, not however, beyond three hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in section 289 of this title.

2. When partially disabled employee leaves first employment.

If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(C) 1. Permanent Partial Disability.

For permanent partial disability the compensation shall be based upon the extent of such disability. In cases included in the following schedule the compensation shall be sixty-six and two-thirds percent of the average weekly earnings, during the number of weeks set out in the following schedule:

For the loss of a thumb, sixty-two weeks.

For the loss of a first finger, commonly called index finger, forty-three weeks.

For the loss of a second finger, thirty-one weeks.

For the loss of a third finger, twenty-two weeks.

For the loss of a fourth finger, commonly called little finger, sixteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered as equal to the loss of one-half of such thumb, or finger, and compensation shall be paid at the prescribed rate during one-half of the time specified above for such thumb or finger.



The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, thirty-two weeks.

For the loss of any of the toes other than the great toe, eleven weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be paid at the prescribed rate during one-half the time prescribed above for such toe.

The loss of two or more phalanges shall be considered as the loss of entire toe.

For the loss of a hand, one hundred seventy weeks.

For the loss of an arm, two hundred twenty-two weeks.

For the loss of a foot, one hundred thirty-nine weeks.

Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

For the loss of a leg, two hundred weeks.

For the loss of an eye, one hundred twenty-four weeks.

For the complete and permanent loss of hearing in both ears, one hundred sixty-three weeks.

For the complete and permanent loss of hearing in one ear, fifty-three weeks.

For the loss of an eye and a leg, three hundred and fifty weeks.

For the loss of an eye and one arm, three hundred and fifty weeks.

For the loss of an eye and a hand, three hundred and twenty-five weeks.

For the loss of an eye and a foot, three hundred weeks.

For the loss of two arms, other than at the shoulder, four hundred weeks.

For the loss of two hands, four hundred weeks.

For the loss of two legs, four hundred weeks.

For the loss of two feet, four hundred weeks.

For the loss of one arm and the other hand, four hundred weeks.

For the loss of one hand and one foot, four hundred weeks.

For the loss of one leg and the other foot, four hundred weeks.

For the loss of one hand and one leg, four hundred weeks.

For the loss of one arm and one foot, four hundred weeks.

For the loss of one arm and one leg, four hundred weeks.

For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, sixty-six and two-thirds percent of the average weekly earnings for such period as the court may determine, not exceeding one hundred weeks.

When a permanent partial disability, the number of weeks compensation for which is scheduled in this subsection (C) 1, follows or accompanies a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

#### 2. Concurrent injuries.

Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation, only for the injury which entitled him to the largest amount of compensation, but this section shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

#### 3. Loss of use of a member.

In all cases the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member but in such cases the compensation in and by said schedule shall be in lieu of all other compensation except as otherwise provided herein. In case of permanent disability, due to injury to a member resulting in less than total loss of use of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member, which the extent of the injury to the member bears to its total loss.

#### 4. Employee refusing employment.

If an injured employee, refuses employment suitable to his capacity, offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

#### 5. Permanent partial maximum and minimum.

All compensation provided in subsection (C) of this section for loss of members, or loss of use of members, is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 289 of this title.

#### 6. All other permanent partial.

In all other cases of permanent partial disability not above enumerated, the compensation shall be sixty-six and two-thirds percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition subject to the same maximum weekly compensation as stated in section 289 of this title. When a permanent partial disability, compensation for which is not calculated by use of the schedule in Section 279(C)1, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, not however, beyond three hundred weeks.

### 7. Affidavit of new employment.

In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subsection (B).

#### (D) 1. Permanent Total.

For permanent total disability as defined in subsection (E) sixty-six and two-thirds percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly compensation as stated in section 289 of this title; provided that, if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 239 of this title, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in subsection (E). Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be unless the parties otherwise agree. Such payments, with the approval of the circuit judge, or by agreement of the parties, may be made monthly or quarterly or otherwise as the parties may agree. Payments for permanent total disability shall not be ordered to be paid in a lump sum without the consent of both the employer and the employee.

2. At any time the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend, or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and if the court is so satisfied after a hearing, shall alter, amend or revise the award accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee, and if the employer terminates the payment of such benefits, the employee may within one year of the last payment petition the court to reinstate such benefits and upon a showing that such permanent total disability still exists shall be entitled to have such benefits reinstated effective the date of last payment.

#### 3. Employee inmate of public institution.

In case of an employee, who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 280 and 281 of this title, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subsection shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution.

Provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 280 and 281 of this title from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institu-

tion. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay for the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payments shall be directly paid to said guardian.

(L) 1. Permanent Total Disability Defined.

The total and permanent loss of sight of both eyes, or the loss of both arms at the shoulder, or any physical injury or mental impairment resulting from an accident which injury or impairment permanently and totally incapacitates the employee from working at and being retrained for gainful employment shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided however, any employee, whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

Second permanent injury resulting in permanent total disability—first injury not in same employment.

If an employee receives a permanent injury as specified in this section after having sustained another permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, however, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

3. Second permanent injury in same employment resulting in permanent total disability.

If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

4. Effect of rehabilitation or recovery on permanent total disability benefits.

In the event an employee who is receiving benefits for permanent total disability shall as a result of physical or vocational rehabilitation, or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, however, at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to  $66\frac{2}{3}$  percent of the difference, subject to each of the following limitations: (a) The employer's liability for the payment of  $66\frac{2}{3}$  percent of such difference shall continue for two

hundred weeks from the date of re-employment or three hundred weeks from the date of injury, whichever is the longer period; (b) In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and (c) No payment shall be due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

5. Affidavit of gainful employment.

In the event an employee who is receiving benefits for permanent total disability shall as the result of physical or vocational rehabilitation, or otherwise, obtain gainful employment, other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished.

(F) 1. Second permanent injury.

If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident such as is specified in the sections herein defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

2. Benefits not concurrent; exceptions.

If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury be a permanent injury, such as specified in this section; but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under articles 1 and 2 of this chapter. If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of (F) 1, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding seven hundred weeks.

(G) Compensation for Death after Disability.

In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and during the period of disability caused thereby death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workman who has sustained a permanent partial or permanent total

disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom, the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, not exceeding, however, whether or not the decedent employee was receiving compensation for permanent total disability, the amount that would have been due the surviving spouse and/or dependent children if death had resulted proximately from the injury. Except as provided in this subsection (G), no benefits shall be payable on account of death resulting proximately or not proximately from an injury, on account of which compensation is being paid to an employee.

(H) Hernia.

In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

- (a) That there was an injury resulting in hernia.
- (b) That the hernia appeared suddenly.
- (c) That it was accompanied by pain.
- (d) That the hernia immediately followed an accident.
- (e) That the hernia did not exist prior to the accident for which compensation is claimed.

All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease, or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(I) Average Weekly Earnings Basis of Benefits.

Compensation hereunder shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer, or the casual nature or terms of the employment, it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed

in the same class of employment in the same district. Whatever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract, they shall be deemed a part of his earnings.

Section 6. Section 283, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 283. Death compensation.

In death cases where the death results proximately from the accident within three years, compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto without administration, or to a guardian or such other person as the court may direct, for the use and benefit of the person entitled thereto.

(A) Persons Entitled to Benefits.

1. If the deceased employee leaves one dependent, there shall be paid to the dependent fifty percent of the average weekly earnings of the deceased.

2. If the deceased employee leaves two or more dependents, there shall be paid to the dependents sixty-six and two-thirds percent of the average weekly earnings of the deceased.

3. If one of two or more dependents is a widow or widower, the compensation may be paid to the widow or widower for the benefit of herself or himself and the dependent child or children. In its discretion and when it considers appropriate to do so, the court shall at any time have the power to determine, without the appointment of any guardian or guardians, what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian or custodian of such child or children.

4. Partial dependents shall be entitled to receive only that proportion of the benefits provided for total dependents, which the average amount of the earnings regularly contributed by the deceased employee to such partial dependent, at and for a reasonable time immediately prior to the injury, bore to the total income of the dependent during the same time. If there is one dependent and one or more partial dependents, and the dependent is not entitled to the maximum amount of compensation as provided in section 289 of this title, there shall be paid to the partial dependent or partial dependents that percent of the benefit paid to a full dependent which the contribution of the decedent to the partial dependent's support bears to the total income of the partial dependent; provided however, the compensation payable to such partial dependent or dependents shall not exceed the lesser of 16-2/3 percent of the decedent's average weekly wage or the difference between the compensation payable to the full dependent and the maximum weekly compensation benefit payable as provided in Section 289.

5. If compensation is being paid under this article to any dependent, such compensation shall cease upon the death or marriage of such dependent, unless otherwise provided in this article.

Upon the cessation of compensation to or for any dependent, for any cause, the compensation of the remaining dependents entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which would have been payable to them had they been the only persons entitled to compensation at the time of death of the deceased employee.

(B) Maximum and Minimum Death Compensation.

The compensation payable in case of death to persons wholly dependent shall be subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if at the time of injury the employee receives earnings of less than the minimum stated in section 289 of this title, then the compensation shall be the full amount of such earnings per week. The compensation payable to partial dependents shall be subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if the income loss of said partial dependents by such death is less than the minimum weekly compensation stated in section 289 of this title, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency, not exceeding five hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be unless the parties otherwise agree.

Section 7. Section 289, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 289. Limitations on compensation.

(A) With respect to injury or death resulting from an accident occurring after the effective date of this act and before July 1, 1976, the compensation paid hereunder shall be not less than, except as otherwise provided herein, twenty-five percent of the average weekly wage of the state for calendar year 1974 as determined by the director of industrial relations (rounded to the nearest dollar), and in any event no more than 66-2/3 percent of such average weekly wage of the state.

(B) With respect to injury or death resulting from an accident occurring on or after July 1, 1976, the compensation paid hereunder shall be not less than, except as otherwise provided herein, twenty-five percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subparagraph (C) of this Section 289, and in any event no more than sixty-six and two-thirds percent of such average weekly wage.

(C) For the purpose of this act the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12 months period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following thirty (30) days after such determination is made.

(D) The maximum and minimum weekly benefit shall not be changed on any July 1, or as a result of any annual determination, unless the computation hereinabove provided results in an increase or decrease of \$2.00 or more in the amount of either the maximum or minimum benefit.

(E) In no event, except as provided for permanent total disability in Section 279(D)1 or except for compensation benefits payable for permanent partial and temporary total disability in connection with a



disability scheduled in Section 279(C)1, shall the total amount of compensation payable for any accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

(F) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.

Section 8. Section 293, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 293. Medical, surgical, hospital service, and vocational rehabilitation.

1. In addition to the compensation herein provided, the employer shall pay the actual cost of the repair, refitting or replacement of artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, original artificial members, and other apparatus, as may be obtained by the injured employee, or in case of death, obtained during the period occurring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physical selected by the employer and if further treatment is required, the employee may so advise the employer and in such event the employee shall be referred to a second physician selected by the employer; if the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer and in such event the employee shall be referred to a third physician selected by the employer. In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be referred to a second surgeon selected by the employer; if the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer and in such event the employee shall be referred to a third surgeon selected by the employer. The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding, or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter his right to

compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer, furnish to such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same. Physicians include medical doctor, surgeon and chiropractor.

## 2. Vocational Rehabilitation.

(a) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee, who is unable in the opinion of the treating physician to return to his former employment, shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

(b) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal.

Section 9. Section 290, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 290. Payment in lump sum. By agreement of the parties and with approval of the court, the amounts of compensation payable periodically hereunder may be commuted to one or more lump sum payments. No such commutation shall be approved by the court unless the court is satisfied that it is in the best interest of the employee or the employee's dependents, in case of death, to receive the compensation in a lump sum rather than in periodic payments. In making such commutations, the lump sum payment shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six percent basis.

Section 10. Section 312, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 312. Liability of party other than employer and procedure governing.

Where the injury or death for which compensation is payable under article 2 of this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer whether or not such party be subject to the provisions of article 2 of this chapter the employee, or his dependents in case of his death,

may proceed against the employer to recover compensation under article 2 of this chapter, or may agree with the employer upon the compensation payable under article 2 of this chapter, and at the same time may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to article 2 of this chapter; provided, however, neither an officer, director, agent, servant or employee of the same employer nor his personal representative, nor any workmen's compensation insurance carrier of the employer, nor any officer, director, agent, servant or employee of such carrier, nor any labor union, or an official or representative thereof, making a safety inspection for the benefit of the employer or its employees, shall be considered a party other than the employer against whom such an action may be brought. If the injured employee, or in case of his death his dependents, recover damages against such other party the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under article 2 of this chapter there shall be no further liability on the employer to pay compensation on account of such injury or death, and the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death. If the employee, who recovers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be entitled to reimbursement for the amount of such compensation theretofore paid and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recovery (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled. In the event the injured employee, or in case of his death, his dependents, do not file suit against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring suit against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee, or his dependents, or in the event a proceeding is pending against the employer to require the payment of such compensation, such suit may be maintained either in the name of the injured employee, or in case of his death in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such suit are in excess of the compensation payable by the employer under article 2 of this chapter and costs, attorney's fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee, or in case of his death for his dependents. In the event such injured employee has no dependents, his personal representative in the event of his death may bring suit against such other party to recover damages without regard to article 2 of this chapter. In any settlement made under this section with a negligent third party by the employee, or in case of his death, by his dependents, the employer shall be liable for that part of the attorney's fees incurred in the settlement with the third party, either with or without suit, in the same proportion that the amount of the reduction in the employer's liability to pay compensation bears to the total recovery had from such third party.

Section 11. Section 7 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

#### Section 7. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parents, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contraction of the disease of occupational pneumoconiosis and on account of any injury, disability, loss of service or death resulting from the disease of occupational pneumoconiosis; and except as herein provided in this article, no employer included within the terms of this chapter, and no officer, director, agent, servant or employee of any such employer shall be held civilly liable for the contraction of the disease of occupational pneumoconiosis, or for injury, disability, loss of service or death of any employee due to occupational pneumoconiosis, while engaged in the service or business of the employer, the cause of which occupational pneumoconiosis originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 12. Section 13 of Act No. 160, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

#### Section 13. Compensation payable under this article.

The compensation payable for death or disability caused by pneumoconiosis shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits. The date of injury as defined in Section 11 of Act No. 130, as amended, shall be considered the date of accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for occupational pneumoconiosis.

Section 13. Section 17 of Act No. 130 adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

#### Section 17. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 130, as amended, unless otherwise provided or inconsistent herewith.

Section 14. Section 6 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

#### Section 6. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of occupational exposure to radiation

and on account of any injury, disability, loss of service or death resulting from occupational exposure to radiation; and except as herein provided in this article, no employer included within the terms of this chapter, and no officer, director, agent, servant, or employee of such employer shall be held civilly liable for the occupational exposure to radiation or for injury, disability, loss of service or death of any employee due to occupational exposure to radiation while engaged in the service or business of the employer, the cause of which occupational exposure to radiation originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law, provided, however, nothing herein shall be interpreted so as to deprive an employee, or in case of death, his dependents, of any rights or remedies he may have under Articles 1 and 2 of the Workmen's Compensation Act. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 15. Section 12 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 12. Compensation payable under article.

The compensation payable for death or disability caused by occupational exposure to radiation shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said exposure shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits. The date of injury as defined in Section 10 of Act No. 521, as amended, shall be considered the date of accident for determining the applicable medical, surgical, and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for occupational exposure to radiation.

Section 16. Section 16 of Act No. 521 adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 16. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 521, as amended, unless otherwise provided or inconsistent herewith.

Section 17. Section 6 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 6. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contracting of an occupational disease as defined in this article and on account of any injury, disability, loss of service or death resulting from an occupational disease as defined in this article; and except as herein provided in this article, no

employer included within the terms of this chapter, and no officer, director, agent, servant or employee of such employer shall be held civilly liable for the contraction of an occupational disease as defined in this article, or for injury, disability, loss of service or death of any employee due to an occupational disease, while engaged in the service or business of the employer, the cause of which occupational disease originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 18. Section 12 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 12. Compensation payable under article.

Compensation payable for death or disability caused by an occupational disease as defined in this article shall be computed in the same manner and in the same amounts as provided in Chapter 5, Title 26, Code of Alabama 1940, as amended, for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 5, Title 26, Code of Alabama 1940, as amended, for computing like benefits. The date of injury as defined in Section 10 of Act No. 668, as amended, shall be considered the date of accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for such occupational disease.

Section 19. Section 16 of Act No. 668 adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 16. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 668, as amended, unless otherwise provided or inconsistent herewith.

Section 20. The provisions of this act shall be applicable with respect to all accidents occurring after the act shall become effective, except that the provisions of Section 9 amending Section 299 of Title 26, as last amended shall apply to all cases or proceedings pending at the time the act becomes effective or thereafter commenced.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this Act are repealed.

Section 23. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, Section 3 amending Section 263 of Title 26, as last amended, shall become effective no sooner than 60 days after Sep-

tember 30, 1975 in keeping with the provisions of Act No. 565 of the 1975 Regular Session of the Legislature of the State of Alabama.

Mr. Baker offered a substitute motion that the Senate non-concur in the House amendment to the Bill, S. B. 80, and requested a Committee on Conference, which motion was lost.

Yeas 13; Nays 19.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Little, McDonald (A), McMillan, Mitchell, Pearson, Perloff, Shelby, Stewart, Waldrop.

—13

Nays:

Messrs. Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, Noonan, Owen, Perry, Powell, Roberts, St. John, Torbert, Vacca, Wilson.

—19

The question recurred on the motion of Mr. Stewart, which was adopted, and the Senate did concur in the House amendment to said Bill, S. B. 80.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—29

Nays:

—0

#### CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Fine, further consideration of all Bills remaining on the Senate Calendar, with the exception of the Bills included in the Governor's Proclamation, was indefinitely postponed.

#### RESOLUTIONS

Mr. Pearson offered the following Senate Resolution, to-wit:

**S. R. 24. CONGRATULATING MISS JESSYCA SNOW, RECIPIENT OF THE UNIVERSITY OF ALABAMA ALUMNI ASSOCIATION AWARD FOR SCHOLASTIC EXCELLENCE.**

WHEREAS, Miss Jessyca Snow, was the recipient of the coveted award for scholastic excellence given by the Alabama Alumni Association in May of 1975; and

WHEREAS, this lovely teenager, the daughter of Mr. and Mrs. William Snow of Birmingham, Alabama, ranks scholastically in the top five per cent of all Jefferson County High School Junior Students; and

WHEREAS, the versatile and talented Miss Snow, who attends West End High School, is head majorette at her school, a member of National Tots and Teens of America, and is accomplished in playing the piano, french horn and flute; and

WHEREAS, Miss Snow counts among her hobbies reading, music and travel, and hopes to pursue her higher education in the fields of music and the creative arts; now therefore

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we do congratulate Miss Jessyca Snow for being selected recipient of the University of Alabama Alumni Association Award for Scholastic Excellence and wish for her every success in her future endeavors.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to Miss Jessyca Snow and to Mr. and Mrs. William Snow.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson and McMillan offered the following Senate Resolution, to-wit:

**S. R. 25. COMMENDING AND THANKING DR. A. G. GASTON FOR HIS MANY OUTSTANDING CONTRIBUTIONS TO HIS COMMUNITY AND STATE.**

**WHEREAS,** Governor George C. Wallace, the Jefferson County Commission, and Mayor George Seibels of Birmingham proclaimed November 1, 1975, A. G. Gaston Day in recognition of the many significant and lasting contributions Dr. A. G. Gaston has made for the progress and betterment of the citizens of his community and this State; and

**WHEREAS,** Dr. Gaston, whose life began over 80 years ago as a son of the soil of Marengo County, overcame much hardship and adversity to become an economic giant and dedicated builder of men and community; and

**WHEREAS,** this prominent and influential leader has distinguished himself by his immeasurable contributions in the humanitarian, civic, religious, political, and social life of his city, state and nation; and

**WHEREAS,** during a period of turmoil and confusion in our State Dr. A. G. Gaston exhibited his capacity for intelligent and effective leadership; and

**WHEREAS,** on November 1, 1975 over 2,000 citizens assembled at the Birmingham-Jefferson Civic Center for a banquet, the theme of which was "A Tribute to A Legend", to express their admiration and respect to Dr. A. G. Gaston; and

**WHEREAS,** included in the official participants in this celebration were: the world heavy-weight boxing champion, the Honorable Mohammed Ali; former baseball great, the Honorable Willie Mays; distinguished member of the Alabama Senate, the Honorable George McMillan; and the guest speaker, who is the world renowned Reverend Frederick Eikerenkoetter, and who was introduced by our own able and distinguished member, Senator J. Richmond Pearson; and

**WHEREAS,** the Alabama Senate would like to pay tribute to this great but humble octogenarian whose exemplary life and many outstanding contributions have enriched the lives of many of our citizens; now therefore

**BE IT RESOLVED BY THE ALABAMA SENATE,** That we do heartily commend Dr. A. G. Gaston whose way of life has inspired us and we do express our appreciation and admiration for all of his outstanding contributions to his fellow man and this state which will glow as a lasting torch.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to Dr. A. G. Gaston.



On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

### RECESS

At 3:05 P. M., on motion of Mr. Fine, the Senate took a recess subject to the call of the Chair.

At 4 o'clock, the recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### MOTION RECONSIDERED

On motion of Mr. Fine, the Senate reconsidered the vote by which it adopted the motion to indefinitely postpone all Calendar Bills with the exceptions of the Bills included in the Governor's Proclamation.

Mr. Fine then moved that further consideration of the Bills, H. B.'s 235 and 53, be indefinitely postponed, which motion was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—24

Nays:

—0

The Bill:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Ellis, Foshee, Gilmore, Givhan, Little, Littleton, Mc-

Millan, Mims, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—20

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Also:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Also:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

JOHN W. PEMBERTON,  
Clerk.

#### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 21. REQUESTING THE DEPARTMENT OF THE EXAMINERS OF PUBLIC ACCOUNTS TO EXAMINE ALL STATE LEASES.

On motion of Mr. Little, said Resolution was then adopted by the Senate.

#### BILL RE-REFERRED

Mr. Vacca moved that the Bill, H. B. 168, be removed from the Standing Committee on Education and re-referred to the Standing Committee on Local Legislation No. 2, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 168, re-referred to the Standing Committee on Local Legislation No. 2.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Biddle:

H. 93. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to re-

quire mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Also:

By Mr. Manley:

H. 238. To regulate further the Aid to Dependent Children program; to authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 93 and 238. To the Standing Committee on Health and Welfare.

#### REPORTS OF COMMITTEES

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Holley and Folmar:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

By Messrs. Crawford, Whatley, Folmar and Sasser (With Notice and Proof):

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

By Messrs. Holley and Folmar:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Holley and Folmar:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent

federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 5. Endorsing Russell County as the site for a National Veterans Cemetery.

Also:

S. J. R. 13. Creating a Joint Interim Committee to study the management and efficiency of the Department of Education.

Also:

S. J. R. 15. Commending General James Taylor Hardin for his outstanding career in the military.

Also:

S. J. R. 17. COMMENDING WILLIAM GEORGE SNIDER FOR HIS TALENTED GOSPEL SINGING.

Also:

S. J. R. 18. CONGRATULATING SENATOR FRED JONES ON HIS PROMOTION TO BRIGADIER GENERAL IN THE ALABAMA ARMY NATIONAL GUARD.

Also:

S. J. R. 19. AUTHORIZING AND PAYING FOR ATTENDANCE OF TWO LEGISLATIVE MEMBERS AT ANNUAL MEETING OF SOUTHERN GROWTH POLICIES BOARD.

Also:

S. J. R. 20. CREATING A JOINT INTERIM COMMITTEE TO STUDY RECOVERY, REUSE AND RECYCLING OF MATERIALS.

Also:

S. J. R. 16. MOURNING THE DEATH OF WILLIAM VIRGIL RUNYAN.

Also:

S. J. R. 10. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

Also:

S. J. R. 11. Establishing Alabama Council on Historic Pilgrimages.

E. C. FOSHEE,  
Chairman.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Also:

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Also:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Also:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Also:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code of 1940, Title 17, Chapter 1, Article 7.

Also:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m. s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Also:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Also:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Also:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial

Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

S. 62. To provide that One Thousand (\$1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Also:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Also:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had

been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### ADJOURNMENT

At 4:10 P. M., on motion of Mr. Baker, the Senate adjourned until Monday, November 10, 1975, at 2 o'clock P. M.

### SIXTH LEGISLATIVE DAY

MONDAY, NOVEMBER 10, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

### PRAYER

The Session was opened with prayer by the Reverend Albert D. Perkins, III, Curate, Saint John's Episcopal Church, Montgomery, Alabama.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—33

### JOURNAL

On motion of Mr. Jones, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### LEAVES OF ABSENCE

On motion of Mr. Jones, leave of absence was granted Mr. Roberts for today.

### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

### COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.



## MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the Speaker of the House of Representatives and the Conferees on House Bill 9 to transmit to the Senate the enclosed message from the House Conferees.

JOHN W. PEMBERTON,  
Clerk.

TO: The Senate Conferees appointed to work out the differences on House Bill 9:

The undersigned House Conferees hereby notify the Senate Conferees appointed by the respective House to work out the differences on House Bill 9 that the House Conferees are ready to do business and await the call of the Senate Conferees.

Richard S. Manley  
Hugh D. Merrill  
Walter Owens

## HOUSE MESSAGE

The foregoing Message from the House, relative to House Bill 9, was read and ordered spread upon the Journal.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 246. to the Committee on State Government

## BILL RECONSIDERED

On motion of Mr. Torbert, the Senate reconsidered the vote by which the Bill:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

was indefinitely postponed on the Fifth Legislative Day.

On motion of Mr. Torbert, further consideration of the Bill, H. B. 53, was temporarily postponed.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Jones, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 37, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. 37

Amend S. B. 37 by striking those words that commence on line 28, page 1 with the word "Provided" and continue through the words "; and" on line 36, page 1. Begin the word "further" with a capital letter so as to begin a new sentence.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, McDonald (A), Mims, Noonan, Owen, Perloff, Shelby, Stewart, Torbert, Vacca, Waldrop.

—22

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crawford:

H. J. R. 59. NAMING SENATE BILL 102 "THE TURNHAM-WALDROP BILL."

WHEREAS, Senator Gerald Waldrop and Representative Pete Turnham have worked long and hard on the drafting of Senate Bill 102; and

WHEREAS, Senate Bill 102 will provide a long needed service: The establishment of an Alabama Board of Examiners for Speech Pathology and Audiology to license and regulate speech pathologists and audiologists; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 102 be designated and known as "The Turnham-Waldrop Bill."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 17. Relating to the two largest cities in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Also:

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Also:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Also:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles; to provide for a refund to persons who purchase their tags before the effective date of this act.

Also:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Also:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Also:

S. 51. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Also:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Also:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Re-compiled 1958, Title 37, Section 826(1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Also:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Also:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Also:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

Also:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Also:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Also:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Also:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Also:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Also:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

E. C. FOSHEE,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

## BILLS ON THIRD READING

## The Bill:

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

## Nays:

—0

## The Bill:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Foshee, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

## Nays:

—0

## The Bill:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell,

Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John.

—25

*Nays:*

—0

#### REPORTS OF COMMITTEES

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kinsey and McMillan:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

By Messrs. McMillan and Kinsey:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Barron, Wyatt, Plaster and Lewis:

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing supplemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having

not less than six nor more than twelve circuit judges," so as to make the provisions of the Act apply to circuits composed of one county having not less than eight nor more than twelve circuit judges.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smith (M) and Higginbotham:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the reidentification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

By Mr. Drake:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

By Mr. Owens:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor, and providing retroactive application therefor.

By Messrs. Smith (C), Moore (O) and Waggoner:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

By Mr. McNair:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

By Messrs. Moore (W) and Carter:

H. 200. To amend Section 1 of Act No. 281, H. 279, Regular Session 1969 (Acts 1969, p. 614) relating to the safe transportation of pupils to and from school so as to provide certain qualifications for school transportation managers or supervisors.

By Mr. Martin, et al:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.



By Mr. Morris:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

By Messrs. Smith (M), Higginbotham and Turnham:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

By Mr. LeFlore, et al:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the \$25.00 per day maximum amount allowable for in-state travel.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sasser (With Notice and Proof):

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—22

Nays:

—0

**The Bill:**

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

was taken up.

The Standing Committee on Rules reported the following substitute for the Bill, H. B. 95, to-wit:

**COMMITTEE SUBSTITUTE FOR H. B. 95**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 259 of Title 46 of the Code of Alabama 1940, as amended, is amended to read as follows:

"Section 259. (a) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has

graduated from a college of medicine or osteopathy in the United States, District of Columbia, the territories of the United States, or the provinces of Canada which have been approved by the Board of Medical Examiners shall submit to the Board of Medical Examiners (1) A diploma showing graduation from such college of medicine or osteopathy; (2) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

“(b) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada, and who is not a United States citizen, shall submit to the Board of Medical Examiners (1) a diploma showing graduation from a college of medicine or osteopathy; (2) evidence satisfactory to the Board that the applicant has completed the requirements for a resident physician or resident surgeon in a hospital approved by the Board of Medical Examiners; (3) evidence satisfactory to the Board that the applicant has completed all the requirements for taking the examination of one of the specialty boards approved by the American Medical Association; (4) evidence satisfactory to the Board that the applicant has been certified by the Educational Council for Foreign Medical Graduates.

“(c) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada and who is a United States citizen who completed his undergraduate studies at a college or university in the United States approved for preliminary training by the Board of Medical Examiners and who has studied medicine or osteopathy at a college of medicine or college of osteopathy located outside the United States which is listed by the World Health Organization but who is not authorized to practice medicine or osteopathy in the foreign country in which he studied shall submit to the Board of Medical Examiners (1) evidence satisfactory to the Board that the applicant has successfully completed all of the formal requirements of the foreign school except internship, residency, or social service requirements; (2) evidence satisfactory to the Board that the applicant has successfully completed one academic year of internship at a hospital affiliated with a medical school or school of osteopathy approved by the American Medical Association or by the State Board of Medical Examiners and, subsequent to that year, two (2) years of residency at a hospital in the United States having a residency program approved by the American Medical Association or by the State Board of Medical Examiners.

“(d) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada and who is a United States citizen who completed his undergraduate studies at a college or university in the United States approved for preliminary training by the Board of Medical Examiners may elect to satisfy the requirements of subsection (b) above in lieu of satisfaction of the requirements of subsection (c) above.

“(e) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has complied with the requirements set forth in the appropriate preceding subsections, shall be permitted to take the examination given by the National Board

of Medical Examiners, the Federation Licensing Examination, or any other examination which is or shall be approved by the Board of Medical Examiners and which examines in the following branches of medical learning, to-wit: General medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence, pediatrics, family practice, and such other branches as the Board may require.

"(f) Any applicant who successfully completes such examinations with a passing score acceptable to the Board of Medical Examiners shall be issued a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama.

"(g) Notwithstanding any other provisions of this section or article, the Board of Medical Examiners may, in its discretion, issue a certificate of qualification to any applicant if such applicant is currently licensed to practice medicine in another state."

Section 2. All laws or parts of laws in conflict with this Act are, to the extent of such conflict, expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor of Alabama or when it otherwise becomes law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, St. John, Shelby, Torbert, Vacca, Waldrop.

—24

Nays:

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And said Bill, H. B. 95, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, St. John, Stewart, Torbert, Vacca, Waldrop.

—23

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 48. COMMENDING AND THANKING REVEREND GUS NICHOLS FOR HIS MANY CONTRIBUTIONS TO JASPER AND WALKER COUNTY.

Also:

H. J. R. 51. COMMENDING TAYLOR HARDIN AND STAFF FOR PROGRESS IN THE MENTAL HEALTH FIELD.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 43. COMMENDING CAROL HOOD WARREN, NAMED "WOMAN OF ACHIEVEMENT" BY WALKER COUNTY HOME EXTENSION CLUBS.

Also:

H. J. R. 44. MOURNING THE DEATH OF EDGAR FILES, RESIDENT OF CARBON HILL, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in

the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Also:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

was taken up.

Mr. Stewart offered the following amendment to the Bill, H. B. 90, to-wit:

### AMENDMENT TO H. B. 90

Amend House Bill No. 90 Page 1 Lines 28-34, by striking out Section 2 and inserting a new Section 2 to read as follows:

Section 2. There is hereby created a "Joint Advisory Board of Family Practice." The members of this Board shall be the Executive Committee of the Board of Directors of the Alabama Academy of Family Physicians, numbering no more than five individuals, and the Dean, or his duly appointed representative, of each medical school in the State of Alabama with an established department of family practice, plus 4 lay people who are resident citizens of the State of Alabama, and over 21 years of age—two of the lay representatives are to be appointed by the Speaker of the House and two of the lay representatives are to be appointed by the Lieutenant Governor.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones,

King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Torbert, Vacca, Wilson.

—24

*Nays:*

—0

And said Bill, H. B. 90, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Mitchem:

H. 266. To provide authority for the government and control by civil service regulations of the employees of any city having a population of not less than 9,500 nor more than 10,000 inhabitants according to the most recent federal decennial census; to provide for a civil service board in said cities and to fix its duties, authorities, powers and compensation.

Also:

By Messrs. Pegues, Coburn, Manley, Clark, Campbell and Dial:

H. 41. To amend Act No. 343, H. 71, 1957 Regular Session to provide further for competitive bidding on public contracts.

Also:

By Messrs. Holley, Folmar, Jackson, McCulley, Wyatt, Johnstone, Campbell, Lockett, White, Gafford, Whatley, Hall, Morris, Lutz, Reed, Cates, Plaster, Tucker and Owens:

H. 15. To amend Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

Also:

By Mr. McCluskey:

H. 204. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

Also:

By Mr. McCluskey:

H. 206. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 266, 204 and 206. To the Committee on Local Government.

H. B. 41. To the Committee on State Government.

H. B. 15. To the Committee on Commerce, Transportation, and Utilities.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 233. To repeal Act No. 1056, S. 1, Regular Session 1973 (Acts of 1973, p. 1699), as amended, entitled "An Act To establish a state ethics commission and to provide a state ethics law which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units."

Was read a third time at length and failed, lacking a two-thirds majority.

Yeas 14; Nays 13.

Yeas:

Messrs. Adams, Bank, Fine, Flipppo, Foshee, Gilmore, Givhan, Littleton, Owen, Perloff, Perry, Powell, Shelby, Vacca.

—14

Nays:

Messrs. Clemon, Edwards, Ellis, Jones, Little, McDonald (A), McDonald (S), McMillan, Pearson, St. John, Stewart, Torbert, Waldrop.

—13

#### RESOLUTION

Messrs. McDonald (S), Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton,



McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 27. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.**

WHEREAS Clanton Ware Williams, a native of Montgomery and a descendant of families long identified with the history of this state and region, was a member of the Department of History at the University of Alabama for over two decades, and

WHEREAS, in that capacity Dr. Williams gave both moral and intellectual guidance to successive generations of Alabama's young men and women, and

WHEREAS, Dr. Williams also served his nation, first as an advocate of a strong defense in the years immediately preceding World War II, then as Chief Historian of the United States Army Air Forces during World War II, then again on active duty during the Korean conflict, and finally for a decade in the Foreign Service of the United States, and

WHEREAS, Dr. Williams also served as a leader of higher education in this region, first as vice-president and then as president of the University of Houston, and

WHEREAS, after returning to his home city of Montgomery, Dr. Williams came out of retirement to assume the task of serving as the first Executive Director of the Alabama Commission on Higher Education, and

WHEREAS, Dr. Williams was known throughout his life as a man of forthrightness and of unselfish devotion to the public good, and

WHEREAS, his dedication to the pursuit of excellence and his example of intellectual honesty and moral courage should serve as models for us all,

NOW, THEREFORE, BE IT RESOLVED that the Legislature of Alabama, both Houses assembled this 10th day of November, 1975, in the city of Montgomery, does note with sadness the death of Clanton Ware Williams, a sadness alloyed with appreciation for his great achievements, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Williams family in recognition of this State's appreciation for the life-long record of service of Clanton Ware Williams.

On motion of Mr. McDonald (S), the Rules were suspended and the Resolution was adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

**The Bill:**

H. 234. To amend and re-enact Act No. 1180 of the 1975 Regular Session of the Alabama Legislature so as to change the overtime provisions of said act; to define state law enforcement officer; to exclude state law enforcement employed by the Alabama Forestry Commission from the provisions of this act.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 234, to-wit:

## AMENDMENT TO H. 234

In Section 4, after line 19 on page 3, insert the following:

Office of the State Toxicologist ..... 137,000.00

Also in this same section on line 20 of said page 3 strike out the figures "\$3,831,641.00," and insert in lieu thereof the following:

\$3,968,641.00

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, St. John, Shelby, Torbert, Wilson.

—25

Nays:

—0

Mr. Torbert then offered the following amendment to the Bill, H. B. 234, as amended, to-wit:

## AMENDMENT TO HOUSE BILL 234, AS AMENDED

Amend House Bill 234 as follows:

Strike out the first two sentences of Section 1 on Page 1, beginning at Line 23, and insert in lieu thereof the following:

"Each state law enforcement officer in the service of the state who is assigned to duty for more than forty hours during the calendar week shall be paid time and one-half for such excess hours worked or he shall be given time and one-half compensatory leave as herein provided, except as hereinafter limited. Such officers shall normally work a forty hour work week."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca.

—25

Nays:

—0

And said Bill, H. B. 234, as thus amended, was then read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—28

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCulley, Sasser, Greer, Martin, Moore (O), Johnson, Glass, Johnstone, Smith (C), Sandusky, Baker, McMillan, Carter, Malone, LeFlore and Kennedy:

H. 159. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Also:

By Mr. Crowe:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p. 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Also:

By Messrs. Johnstone, Malone, Taylor and Ford:

H. 155. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 159. To the Committee on Education.

H. B. 104. To the Committee on Commerce, Transportation, and Utilities.

H. B. 155. To the Committee on Banking.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Re-compiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars (\$100.00).

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Mims, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

—20

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pegues:

H. 42. To amend Section 2 of Act No. 130, Regular Session of the Legislature, 1975, by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition members of certain city and county boards of all counties and municipalities.

Also:

By Mr. Smith (C):

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Also:

By Messrs. Leonard, Hall, Waggoner, Manley, McCluskey, Pegues, Jolly, McNair, Martin, Porter, Taylor and Boles:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 42, 121 and 62. To the Standing Committee on Rules.

## BILL RECONSIDERED

On motion of Mr. Flippo, the Senate reconsidered the vote by which the Bill, H. B. 234, as amended, was passed.

On motion of Mr. Flippo, further consideration of the Bill, H. B. 234, was temporarily postponed.

## CALENDAR BILL RE-REFERRED

Mr. Bank moved that the Bill, S. B. 161, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 161, re-referred to the Standing Committee on Finance and Taxation.

## ADJOURNMENT

At 3:21 P. M., on motion of Mr. Wilson, the Senate adjourned until Thursday, November 13, 1975, at 10 o'clock A. M.

## SEVENTH LEGISLATIVE DAY

THURSDAY, NOVEMBER 13, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Andrew L. Smith, Pastor, Heritage Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

## JOURNAL

On motion of Mr. Flippo, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. Flippo, leaves of absence were granted Messrs. Baker and Clemon for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Lewis:

H. 134. To make a conditional appropriation in the amount of \$100,000.00 from the Alabama Special Educational Trust Fund to Alabama State Board of Education for the use and benefit of Alabama State University for the purpose of demolition and removal of a gutted building on the University campus and for the purpose of purchasing additional land within the University Master Plan Area.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 134. To the Committee on Finance and Taxation.

## REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 12. TO FIX A DAY FOR HOLDING THE ELECTION ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1975 REGULAR SESSION OF THE LEGISLATURE.

On motion of Mr. McDonald (A), said Resolution was indefinitely postponed by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Flippo, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 85, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. 85

Amend S. 85, page 1, lines 32 through 38, by striking out Section 2 in its entirety, and inserting in lieu thereof the following new section:

Section 2. An election on the proposed amendment is ordered to be held on the same day as the primary election held at the expense of the state in May 1976, as provided by law.

## AMENDMENT TO S. B. 85

Amend S. B. 85, page 1, line 28, at the end of the paragraph and as a part thereof add the following: Upon making provisions for said retirement system, all supernumerary offices and programs shall be abolished except as to persons presently on supernumerary status or presently holding an office which has a supernumerary system.

Yeas 19; Nays 0.

Yeas:

Messrs. Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Noonan, Perloff, St. John, Torbert, Vacca, Waldrop, Wilson.

—19

Nays:

—0

## REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following appointment from His Excellency, the Governor, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable John T. Bulls, Jr., to the Board of Trustees of the University of North Alabama.

And on motion of Mr. Flippo, the appointment of the Honorable John T. Bulls, Jr., was then confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Bank, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Perloff, Roberts, St. John, Torbert, Vacca, Wilson.

—18

Nays:

—0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite



the licensure of United States citizens who are graduates of foreign medical schools.

JOHN W. PEMBERTON,  
Clerk.

### REPORTS OF COMMITTEES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the folling bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ford and Taylor:

H. 2. To name three buildings on the Gadsden State Junior College Campus.

By Mr. Pegues:

H. 42. To amend Section 2 of Act No. 130, Regular Session of the Legislature, 1975, by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition members of certain city and county boards of all counties and municipalities.

By Mr. Leonard, et al:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election

By Mr. Smith (C):

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

By Messrs. Albright, Lutz and Smith (B):

H. 190. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Biddle:

H. 93. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Mr. Flippo, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crowe:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lee:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

H. J. R. 63. MOURNING THE DEATH OF MRS. AUDREY MAE SHEPPARD WILLIAMS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 63, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Lutz, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt:

H. J. R. 62. THANKING REPRESENTATIVE BISHOP BARRON FOR PREPARING "TAX GUIDE FOR ALABAMA LEGISLATORS."

WHEREAS, the Honorable Bishop Barron, illustrious member of the House of Representatives, has used his legal and accounting acumen to prepare for publication the brochure entitled, "Tax Guide for Alabama Legislators"; and

WHEREAS, the preparation of this brochure took much time and effort; and

WHEREAS, the legislators will benefit greatly from the information and advice given by Representative Barron; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do express our deep appreciation to Representative Bishop Barron in preparing the "Tax Guide for Alabama Legislators."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

Messrs. Givhan, Foshee, Powell and Adams offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

WHEREAS, the farmers of this State as well as other dealers in grain products are unable to get their grain unloaded and accepted within a reasonable period of time; and

WHEREAS, this delay not only causes a great inconvenience and financial loss to farmers, but it also results in a loss of revenue to the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The President of the Senate shall appoint the Chairman of the Committee and the Speaker of the House shall appoint the Vice-Chairman. The Committee shall investigate all factors relating to or affecting the sale of grain in the State. The Chairman of the Committee shall conduct hearings and examine witnesses who appear before the Committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the Committee's business and expedite its work. The total expenditures of the Committee shall not exceed three thousand five hundred dollars, exclusive of per diem legislative pay and travel expenses. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

The Committee shall have subpoena power and the power to punish for contempt of a Committee of the Legislature.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work.

The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the Committee shall be dissolved. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's Chairman.

On motion of Mr. Givhan, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Falkenburg:

H. 88. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 88. To the Standing Committee on Local Government.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 171, and containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

DONE THIS 7TH DAY OF NOVEMBER, 1975.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 171 without my signature and approval and with the following suggested Executive Amendments.

It is suggested that you amend House Bill Number 171 by deleting Section 2 in its entirety, and substituting in lieu thereof, the following:

"Section 2. This act shall have no application and shall not apply to districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes servicing less than 2,400 residential units nor more than 3,000 residential units."

It is further suggested that you amend House Bill Number 171 by adding Section 3 to read as follows:

"Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law."

The adoption of the above and foregoing Executive Amendments will remove my objections from this bill.

Respectfully,

GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 171, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 68, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 62, Nays 0.

And said Bill, H. 171, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Gilmore, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 171, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 171, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Martin:

H. 220. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Also:

By Mr. Venable:

H. 169. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 & 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which

said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Also:

By Mr. Venable:

H. 170. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 220, 169 and 170. To the Standing Committee on Local Government.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 56. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT when the two Houses adjourn today, they adjourn to meet again on Monday, November 10, 1975, at twelve o'clock noon.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

Mr. St. John offered the following amendment to the Resolution, H. J. R. 56, set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO H. J. R. 56

Amend H. J. R. 56 by striking the words "at twelve o'clock noon."

Which was adopted.

And said Resolution, H. J. R. 56, as thus amended, was then concurred in and adopted by the Senate.

#### BILLS ON THIRD READING

The Bill:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (S), Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (S), Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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#### BILL RE-REFERRED

Mr. Foshee moved that the Bill, H. B. 103, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 103, re-referred to the Standing Committee on Finance and Taxation.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, Little, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Was read a third time at length and passed.

Yeas 25; Nay 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## RECESS

At 11 o'clock A.M., on motion of Mr. Perloff, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 60. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 60, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

E. C. FOSHEE,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of

Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the \$25.00 per day maximum amount allowable for in-state travel.

Was read a third time at length and passed.

Yeas 23; Nays 0; Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—23

*Nays:*

—0

*Abstaining:* Mr. Edwards.

—1

The Bill:

H. 133. To name that portion of U.S. Highway 11 that is within Sumter County the "Livingston University Highway".

Was read third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—24

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Also:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsi-

bility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Also:

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

Also:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Also:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

Also:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer

leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars (\$100.00).

Also:

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Also:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—23

Nays:

—0

The Bill:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Was read a third time at length and passed.

Yeas 22; Nays 2.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Pearson, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—22

Nays: Messrs. McDonald (S), Powell.

—2

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 59. NAMING SENATE BILL 102 "THE TURNHAM-WALDROP BILL."

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, S. J. R. 29, to-wit:

S. J. R. 29. CREATION OF A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS OF VOCATIONAL EDUCATION IN ALABAMA.

WHEREAS, Vocational Education is a program designed to assist all persons of all ages in all communities to compete successfully in an ever-changing labor market; and

WHEREAS, Vocational Education through its linkages with private and public employers, labor unions and advisory committees constitutes a unique system for bridging the gap between education and earning a living; and

WHEREAS, there have been great advances in Vocational Education in recent years and increased interest has been displayed by the population as a whole; and

WHEREAS, Vocational Education has a direct impact on unemployment and on the social and economic conditions in every community in Alabama; and

WHEREAS, Vocational Education opportunities must be made available throughout the State as a means of developing an economy that will sustain full employment; and

WHEREAS, the Legislature of the State of Alabama has the responsibility for appropriating funds to provide Vocational Education on the secondary, postsecondary and adult levels in keeping with social, economic and technological needs;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the Senate and three members of the House to be appointed by the presiding officer of the respective Houses to study the needs of Vocational Education in Alabama. The membership of the committee shall elect from among its membership a chairman and vice chairman. The committee shall study the total needs of Vocational Education in all cities, counties and statewide and shall report in writing its findings



and recommendations to the Legislature not later than the 6th legislative day of the next regular session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the Legislature, on warrants drawn on the State Comptroller upon requisition signed by the committee chairman.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 234. To amend and re-enact Act No. 1180 of the 1975 Regular Session of the Alabama Legislature so as to change the overtime provisions of said act; to define state law enforcement officer; to exclude state law enforcement employed by the Alabama Forestry Commission from the provisions of this act.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 234, to-wit:

#### AMENDMENT TO H. 234

In Section 4, after line 19 on page 3, insert the following:

Office of the State Toxicologist ..... 137,000.00

Also in this same section on line 20 of said page 3 strike out the figures "\$3,831,641.00," and insert in lieu thereof the following:

\$3,968,641.00

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—24

Nay: Mr. McDonald (S).

—1

Mr. Torbert then offered the following amendment to the Bill, H. B. 234, as amended, to-wit:

#### AMENDMENT TO H. B. 234, AS AMENDED

Amend House Bill 234 as follows:

Strike out the first two sentences of Section 1 on Page 1, beginning at Line 23, and insert in lieu thereof the following:

"Each state law enforcement officer in the service of the state who is assigned to duty for more than forty hours during the calendar week shall be paid time and one-half for such excess hours worked or he

shall be given time and one-half compensatory leave as herein provided, except as hereinafter limited. Such officers shall normally work a forty hour work week."

Which was adopted.

Yeas 24; Nays 1.

**Yeas:**

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—24

**Nay:** Mr. McDonald (S).

—1

And said Bill, H. B. 234, as amended, was then read a third time at length and passed.

Yeas 24; Nays 1

**Yeas:**

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—24

**Nay:** Mr. McDonald (S).

—1

#### RESOLUTION

Mr. Ellis offered the following Senate Joint Resolution, S. J. R. 30, to-wit:

**S. J. R. 30. COMMENDING HUEYTOWN HIGH SCHOOL FOR WINNING THE GOVERNOR'S TROPHY IN THE NATIONAL VETERANS' DAY PARADE.**

WHEREAS, Hueytown High School received the Governor's Trophy for the best float in the National Veterans' Day Parade for an unprecedented fifth straight year; and

WHEREAS, Hueytown High School also received the Jefferson County Commission Trophy for best county participation in the Veterans' Day Parade; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we congratulate Hueytown High School for winning the Governor's Trophy in the National Veterans' Day Parade.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

**The Bill:**

**H. 202.** To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Was read a third time at length and passed.

Yeas 22; Nays 1.

Yeas:

Messrs. Adams, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—22

Nay: Mr. Edwards.

—1

The Bill:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

was taken up.

Mr. McMillan offered the following amendment to the Bill, H. B. 22, to-wit:

#### AMENDMENT TO H. B. 22

Amend House Bill No. 22 Page 5 Line 8, by striking out Section 14 in its entirety.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—23

Nays:

—0

And said Bill, H. B. 22, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—22

Nays:

—0

#### RESOLUTIONS

Mr. McDonald (S) offered the following Senate Resolution, S. R. 31, to-wit:

S. R. 31. WHEREAS, our colleague, Senator John Baker, has questioned the recent executive order funding education in the Fifth Circuit Court of Alabama, and

WHEREAS, such action displayed the interest and determination by Senator Baker that the Constitution and the laws of the State of Alabama be properly adhered to and administered, and

WHEREAS, Senator Baker took such action recognizing its potential for political dispute and controversy, including a possible detrimental effect to his political career, and

WHEREAS, Senator Baker has incurred a substantial loss of time and expenses, and

WHEREAS, recent rulings by the Fifth Circuit Court and by the Alabama Supreme Court have concurred in the legal contention presented by Senator Baker, and

WHEREAS, such finding by the court is useful to the Legislature and other branches of State Government and protects and clarifies the integrity and independence of the Legislature and its assigned role; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Senate of Alabama hereby recognizes the effective and appropriate action by Senator Baker and commends him for the contribution of his efforts toward better government for the people of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Mr. Fine offered the following Senate Joint Resolution, S. J. R. 32, to-wit:

S. J. R. 32. NAMING REPRESENTATIVE ANTONIO L. HARRISON AND SENATOR J. RICHMOND PEARSON THE OFFICIAL REPRESENTATIVES OF THIS LEGISLATURE AT THE THIRD NATIONAL INSTITUTE FOR BLACK ELECTED PUBLIC OFFICIALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Antonio L. Harrison and Senator J. Richmond Pearson be and are hereby appointed the official representatives of this body at the Third National Institute for Black Elected Public Officials on December 11-13, 1975, in Washington, D. C.

RESOLVED FURTHER, That Representative Harrison and Senator Pearson shall be entitled to reimbursement for their reasonable and necessary expenses incurred in traveling to and from and attending said function, to be paid from funds appropriated to the use of the Legislature.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### RECESS

At 2:35 P.M., on motion of Mr. Flippo, the Senate took a recess until 4 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Wyatt:

H. J. R. 69. CONGRATULATING THE SOUTH MONTGOMERY COUNTY ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Powell, the Rules were suspended and the Resolution, H. J. R. 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTION

Messrs. Pearson, McMillan, Gilmore and Ellis offered the following Senate Resolution, to-wit:

S. R. 33. COMMENDING WENONAH HIGH SCHOOL FOR WINNING THE MAYOR'S TROPHY IN THE NATIONAL VETERANS' DAY PARADE.

WHEREAS, Wenonah High School received the Mayor's Trophy for the best Birmingham school participation in the National Veterans' Day Parade;

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we congratulate Wenonah High School for winning the Mayor's Trophy in the National Veterans' Day Parade in Birmingham.

On motion of Mr. Pearson, the Rules were suspended and Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Kinsey:

H. 86. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Non-

forfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum non-forfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 86. To the Committee on Insurance.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment.

By Mr. Crowe:

H. 106. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 106. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes:

H. J. R. 70. EXTENDING A WELCOME TO THOSE ORGANIZATIONS CELEBRATING THE 20th ANNIVERSARY OF THE CIVIL RIGHTS MOVEMENT IN MONTGOMERY ON DECEMBER 5th, 6th AND 7th.

WHEREAS, Much progress in the area of race relations has been made over the last twenty years, and

WHEREAS, There are minorities that have served and are now serving honorably in the Alabama legislature; and

WHEREAS, It is an objective of the Alabama Legislature and the State of Alabama to continue to promote good race relations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we welcome to Alabama the many organizations and individuals across the nation that will be celebrating the 20th anniversary of the Civil Rights Movement to be held in Montgomery on December 5th, 6th, and 7th,

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the convention to be held in Montgomery.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 70, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## RESOLUTION

Messrs. Pearson, McMillan, Fine and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. EXTENDING WELCOME TO THOSE ORGANIZATIONS CELEBRATING THE 20th ANNIVERSARY OF THE CIVIL RIGHTS MOVEMENT IN MONTGOMERY IN DECEMBER.

WHEREAS, Much progress in the area of race relations has been made over the last twenty years, and

WHEREAS, There are minorities that have served and are now serving honorably in the Alabama legislature; and

WHEREAS, It is an objective of the Alabama Legislature and the State of Alabama to continue to promote good race relations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we welcome to

Alabama the many organizations and individuals across the nation that will be celebrating the 20th anniversary of the Civil Rights Movement to be held in Montgomery on December 5th, 6th, and 7th,

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the convention to be held in Montgomery.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 27. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

JOHN W. PEMBERTON,  
Clerk.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-third vote of a quorum of the Senate present, and immediately after its title had



been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, Senate Bill Number 138 without my signature and approval and with the following suggested Executive Amendment.

It is suggested that you amend Section 17 of said bill by striking the following language:

"Provided, however, that nothing in this Act shall apply in any way to any licensed physicians; nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program; nor to any physician's assistant as defined in Act Number 1948, Acts of Alabama, 1971 Regular Session, Page 3146, approved September 20, 1971, nurse, technician, medical assistant, optician, or other allied or ancillary health personnel acting under the prescription, supervision, or direction of a licensed physician in the office in which such physician normally actually practices his profession, and nowhere else."

and inserting in lieu thereof, the following:

"Provided, however, that nothing in this Act shall apply in any way to any licensed physician; nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program; nor to any physician's assistant as defined in Act Number 1948, Acts of Alabama, 1971 Regular Session, Page 3146, approved September 20, 1971. Nothing in this Act shall be construed as preventing an ophthalmologist from using assistants normally used in his practice under his direct personal supervision in the office in which such ophthalmologist normally actually practices his profession, and nowhere else."

The adoption of the above and foregoing Executive Amendment will remove my objections from this bill.

Respectfully,

GEORGE C. WALLACE,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Mr. Mitchell, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

which said amendment is set out in the foregoing Message from His Excellency, the Governor.

Yeas 22; Nays 0; Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Owen, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—22

*Nays:*

—0

*Abstaining:* Mr. Edwards.

—1

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 138, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 22; Nays 0; Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Owen, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—22

*Nays:*

—0

*Abstaining:* Mr. Edwards.

—1

which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holley:

H. J. R. 72. TO FIX A DAY FOR HOLDING THE ELECTION ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1975 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS several amendments to the Constitution of Alabama were proposed during the 1975 Regular Session of the Legislature, and the Acts or resolutions proposing such amendments provided for the submission thereof at an election to be held on the first Tuesday after the expiration of three months from the final adjournment of such session of the Legislature; and

WHEREAS the Legislature is now in session and bills proposing amendments to the Constitution have or may be introduced and passed at this session; and

WHEREAS it will be unnecessarily costly to hold two special elections on proposed amendments to the Constitution within a short time and would save much money to have only one election at which amendments proposed at the Regular Session and the Fourth Special Session of 1975 could be submitted to the voters; and

WHEREAS the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the Act or resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a re-designation of a day appointed for holding the election on the constitutional amendments proposed at the 1975 Regular Session of the Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon each of the amendments proposed during the 1975 Regular Session of the Legislature which provided for the submission thereof at a special election to be held on the first Tuesday after the expiration of three months from the final adjournment of such 1975 Regular Session of the Legislature shall be on the same day fixed for submitting amendments proposed at the Fourth Special Session of 1975, namely, the first Tuesday after the expiration of three months from the final adjournment of the current Fourth Special Session.

RESOLVED FURTHER That no election shall be held on the first Tuesday after the expiration of three months from the final adjournment of the 1975 Regular Session of the Legislature on any amendments proposed during such regular session though the Act or resolution proposing such amendment directs the holding of the election on such date; but instead such amendments shall be submitted at an election to be held as provided in the foregoing paragraph.

RESOLVED ALSO That notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 72, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 50 without my signature and approval and with the following suggested Executive Amendment.

It is my suggestion that you amend Senate Bill Number 50 by deleting Section 4 in its entirety, and substituting in lieu thereof the following:

"Section 4. There is hereby appropriated for the fiscal year ending September 30, 1976, to the following departments, the amounts set out below to carry out the provisions of this Act.

|  |            |
|--|------------|
| Alcoholic Beverage Control Board .....           | 82,390.00  |
| Board of Corrections .....                       | 175,000.00 |
| Department of Agriculture & Industries .....     | 3,600.00   |
| Department of Conservation and Natural Resources |            |
| Administrative Division .....                    | 1,780.00   |
| Game and Fish Division .....                     | 76,175.00  |
| Parks Division .....                             | 1,945.00   |

|   |                   |
|---|-------------------|
| Marine Resources Division .....             | 6,295.00          |
| Water Safety Division .....                 | 21,445.00         |
| Department of Revenue .....                 | 6,890.00          |
| Department of Insurance .....               | 7,540.00          |
| Public Service Commission .....             | 4,810.00          |
| Toxicology and Criminal Investigation ..... | 17,810.00         |
| <b>TOTAL .....</b>                          | <b>405,680.00</b> |

The above appropriations shall be paid from such funds as the salaries of the State law enforcement officers are now paid and in no event shall the expenditures exceed the amounts hereinabove appropriated; and in no event shall any of the above amounts be paid from the State General Fund.

Department of Public Safety ..... 300,000.00

The above appropriation to the Department of Public Safety shall be paid from the State General Fund and shall be used to pay the State law enforcement officers to carry out the provisions of this Act and in no event shall the expenditures exceed the amount hereinabove appropriated."

It is with a great deal of regret that I submit to you the foregoing Executive Amendment which materially and substantially reduces the amount of appropriations for the purpose of paying for the overtime worked by our many dedicated law enforcement officers. In fact, I am especially regretful because of my intimate and personal knowledge of the support, protection, and contribution made to the people of this State in these times of ever increasing crime rates. The many hours of additional time, over and beyond the call of duty, contributed by these individuals in times of grave public disasters, such as the unfortunate tornadoes and hurricanes of the past year, is evidence enough of their value to all of us.

Unfortunately, the bill which passed in the last Regular Session of this Legislature which required payment to overtime of law enforcement personnel, did not carry a corresponding appropriation; nor a measure to fund it. This casts upon those departments and agencies charged with carrying out this public responsibility an impossible task. In your efforts to correct this matter you have passed Senate Bill 50, which included almost Four-Million dollars in appropriation from the General Fund—the one fund which can least support it. In fact, I have been informed by the Finance Director and the Budget Office, that should this bill, carrying this appropriation become law, the General Fund will be in immediate proration causing all departments with law enforcement personnel, as well as other departments of State government, to immediately cut back, therefore, further reducing services to the people of this State.

I have been in consultation with the Director of the Department of Public Safety, who informs me that he can possibly get by, and without needlessly jeopardizing law enforcement services to our people, for a short time if the appropriation condition in this bill is substantially reduced. This will also give you an opportunity—either now or at your next session—to consider a funding bill for this appropriation.

The adoption of the above and foregoing Executive Amendment will remove my objections from this bill.

Respectfully,

GEORGE C WALLACE,  
Governor.

## GOVERNOR'S MESSAGE

On motion of Mr. Torbert, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

which said amendment is set out in the foregoing Message from His Excellency, the Governor.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 50, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 69. CONGRATULATING THE SOUTH MONTGOMERY COUNTY ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Also:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Also:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Also:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Also:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Also:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the \$25.00 per day maximum amount allowable for in-state travel.

Also:

H. 133. To name that portion of U. S. Highway 11 that is within Sumter County the "Livingston University Highway".

Also:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Also:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 56. Relative to adjournment to meet again on Monday, November 10, 1975.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 63. MOURNING THE DEATH OF MRS. AUDREY MAE SHEPPARD WILLIAMS.

Also:

H. J. R. 62. THANKING REPRESENTATIVE BISHOP BARRON FOR PREPARING "TAX GUIDE FOR ALABAMA LEGISLATORS."

Also:

H. J. R. 56. Relative to Adjournment to Meet Again on November 10, 1975.

Also:

H. J. R. 60. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.



## BILLS ON THIRD READING RESUMED

The Bill:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor, and providing retroactive application therefor.

was taken up.

Mr. Flippo offered the following substitute for the Bill, H. B. 99, to-wit:

## SUBSTITUTE FOR H. B. 99

## RETIREMENT SYSTEM LEGISLATION

## Actuarial Cost Estimate

This estimate is made in accordance with Act No. 1284 of the 1973 Regular Session of the Alabama Legislature, which provides that an actuarial cost estimate accompany any legislation affecting the Retirement Systems of Alabama. This estimate is provided by George B. Buck and Company of New York and Dr. David G. Bronner, Secretary-Treasurer of the Retirement Systems of Alabama.

## Synopsis

This bill allows retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement System and to prescribe the limitation therefor.

## Cost Estimate

This bill allows experienced retired members to fill positions with covered employers during peak work seasons and during vacations. It also allows retired members to assume elective positions without suspension of benefits under certain limitations. There is no cost related to this measure under the limitations imposed. No retired member may replace a full-time active contributing member without suspension of benefits.

\*ANY AMENDMENT TO THIS BILL VOIDS THIS COST DETERMINATION

A BILL  
TO BE ENTITLED  
AN ACT

To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

Be It Enacted by the Legislature of Alabama:

SECTION 1. (a) It is hereby declared to be lawful and permissible for any member, who has retired on service under the Employees' Retirement System of Alabama to perform duties for any employer unit participating in the Employees' Retirement System, provided that such retired member is physically and mentally able to do so, in the opinion of the employing authority, and, that he does not earn more than the

base allowed under the Federal Social Security law as set from time to time

(b) Such retired Employees' Retirement System member shall continue to receive all retirement benefits that such retired member would receive if he or she were not so employed so long as he or she does not earn more than the base allowed under the Federal Social Security law as set from time to time

SECTION 2. The retirement allowance of any retired member under the employees' and Teachers' Retirement Systems of Alabama who becomes an elected official or who is appointed to an elective position of a state, county, or municipal employer unit, which participates in the Retirement Systems of Alabama shall not be suspended during the period of such service; provided that the retirement allowance of such retired member shall be treated as in Section One (1) above:

(a) If the retired member becomes an elected official or is appointed to an elective position of the same governmental employer unit from which he has retired and/or which on account of service thereto he receives retirement allowances from the Employees' or Teachers' Retirement Systems:

(b) If the position to which he has been elected has at any time during the four years immediately preceding such members' assumption of his office been a covered position eligible for participation in the Employees' Retirement System or Teachers' Retirement System; or

(c) If at any time during his term of office such position becomes eligible for participation in the Employees' or Teachers' Retirement Systems or in any pension, supernumerary, annuity, or retirement plan funded wholly or partially from public funds, and, such retired member elects to participate in same.

SECTION 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly modified to the extent necessary to carry out the provisions of this Act.

SECTION 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Glimore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—23

Nays:

—0

And said Bill, H. B. 99, as thus amended by the substitute, was then read a third time at length and and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Wilson.

—23

Nays:

—0

## REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 70. Extending a welcome to those organizations celebrating the 20th anniversary of the Civil Rights Movement in Montgomery on December 5th, 6th and 7th.

On motion of Mr. Littleton, further consideration of the Resolution, H. J. R. 70, was postponed temporarily.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Waggoner, Biddle, McCorquodale, Callahan, Gafford, Sandusky and Crowe:

H. J. R. 74. MOURNING THE DEATH OF CLYDE N. TATE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 74, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

by a majority of the whole number elected to the House, said vote being Yeas 90, Nays 0.

And said Bill S. B. 138, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 85, Nays 0.

And said Bill S. B. 138, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 30. COMMENDING HUEYTOWN HIGH SCHOOL FOR WINNING THE GOVERNOR'S TROPHY IN THE NATIONAL VETERANS' DAY PARADE

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Dr. White:

H. J. R. 78. APPROVING THE ATTENDANCE OF REPRESENTATIVE ROY JOHNSON TO THE CITIZENS CONFERENCE ON STATE LEGISLATURES AND TO REIMBURSE HIM FOR ORDINARY AND NECESSARY EXPENSES.

WHEREAS, It is in the best interest of the State of Alabama to be officially represented at the Citizens Conference on State Legislatures which has as its basic purpose Drug Abuse and Alcoholism; and

WHEREAS, This seminar is to be held November 17, 18 and 19, 1975 in Roanoke, Virginia,

NOW THEREFORE BE IT RESOLVED, Both Houses thereof concurring, That Representative Roy Johnson be appointed Alabama's official delegate to the Citizens Conference on State Legislatures to study Drug Abuse and Alcoholism and that he be reimbursed for ordinary and necessary expenses in attending this important convention from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House. Provided, however, that in the event that the Alabama Legislature is in session on such dates Representative Johnson shall not receive such expenses.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 78, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report with substitute, to-wit:

H. J. R. 72. TO FIX A DAY FOR HOLDING THE ELECTION ON CONSTITUTIONAL AMENDMENTS PROPOSED AT THE CURRENT SESSION.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 72, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. J. R. 72

TO FIX A DAY FOR HOLDING THE ELECTION ON CONSTITUTIONAL AMENDMENTS PROPOSED AT THE CURRENT SESSION

WHEREAS several amendments to the Constitution of Alabama have been proposed during the current session of the Legislature, and the acts or resolutions proposing such amendments have not provided for the submission of all of them at the same election and it will be more economical for the state to submit them all at one election; and

WHEREAS the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the act or resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a re-designation of a day appointed for holding the election on the constitutional amendments proposed at this current session of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all the amendments proposed during the current session of the Legislature shall be submitted at the primary election in May 1976.

RESOLVED FURTHER That notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state.

Which was adopted.

And said Resolution, H. J. R. 72, as thus amended, was then concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives

State Capitol

Montgomery, Alabama

Lady and Gentlemen:

I am transmitting herewith a Message from the Governor concerning House Bill Number 214, and containing an Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 13th day of November, 1975.

To the House of Representatives

State Capitol

Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 214 without my signature and approval and with the following suggested Executive Amendment.

It is suggested that you amend House Bill Number 214 by deleting Section 4 in its entirety, and substituting in lieu thereof the following:

"Section 4. Any law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Teacher's and Employees' Retirement Systems on each and every payroll of such employer for each and every payroll period 5½% of his earnable compensation, except in the case of a state policeman the rate of 10 per centum of earnable compensation shall apply.

Any law or part of law to the contrary notwithstanding, the rate of contribution to the judicial retirement fund which a probate judge, a district court judge, a circuit judge and an appellate justice or judge shall pay shall be at the rate of seven per centum of their salary derived from the State of Alabama in accordance with the applicable provisions of Act Number 1205, approved October 10, 1975, and Act Number 1163, approved September 18, 1973, but such increased rate of contribution over and above the applicable rate of contribution required by said Act Number 1205 and/or said Act Number 1163 shall not be effective until February 1, 1977."

I have come to this conclusion after long and deliberate study and after full consultation with those who manage the retirement systems for the State of Alabama.

The amendment which I suggested to you will greatly strengthen the fiscal position, and insure its continued soundness. Additionally, those persons who receive benefits through the retirement system will be brought closer to parity in relation to the sum of benefits received; and consequently, by their paying a greater portion and greater percentage will make it more equitable to the taxpayers of Alabama.

I feel strongly that there must be balance and equity among all of those who pay and receive benefits from the State retirement systems; and I believe that the amendment which I have submitted will partially accomplish this result while you are in present session. Should you fail to accept this amendment, I will have no alternative other than to

call still another special session to air this entire retirement funding system, and to, again, request the inequities be corrected.

I believe that it is high time that this Legislature quit bowing to special interest groups who demand benefits on the one hand and lobby vehemently on the the other hand against paying for the same benefits. You should take this opportunity now to bring balance, reason, and fiscal soundness into this matter by enacting this amendment. The taxpayers will then become beneficiaries along with our retired public servants.

I, therefore, respectfully request that you favorably consider and pass the amendment which I have submitted to you, which will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 214, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 50, Nays 47

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 58, Nays 39

And said Bill, H. 214, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

Mr. Shelby moved that the Senate non-concur in the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 214, the title of which and said executive amendment are set out in the foregoing Message from the House.

Mr. Perry moved that the motion to non-concur be laid on the table, which motion was lost.

Yeas 10; Nays 18.

Abstaining 1.

Yeas:

Messrs. Adams, Flippo, Little, McDonald (S), McMillan, Noonan, Owen, Perry, Roberts, Stewart.

—10

Nays:

Messrs. Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), Mims, Pearson, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—18

Abstaining: Mr. Waldrop.

—1

The question was then on the motion of Mr. Shelby, which was adopted, and the Senate non-concurred in said Executive Amendment.

Yeas 21; Nays 6.

Abstaining 2.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), Mims, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—21

*Nays:*

Messrs. Little, McDonald (S), McMillan, Owen, Perry, Roberts.

—6

Abstaining: Messrs. Adams, Waldrop.

—2

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 214, was again read at length and passed, the Governor's objections notwithstanding.

Yeas 25; Nays 1.

Abstaining 1.

*Yeas:*

Messrs. Bank, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nay:* Mr. Owen.

—1

Abstaining: Mr. Waldrop.

—1

which was a majority of the whole number elected to the Senate.

#### RECESS

At 6:45 P.M., on motion of Mr. Fine, the Senate took a recess until 8 o'clock this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 27. MOURNING THE DEATH OF CLANTON WARE WIL-  
LIAMS.

Also:

S. J. R. 30. COMMENDING HUEYTOWN HIGH SCHOOL FOR  
WINNING THE GOVERNOR'S TROPHY IN THE NATIONAL VETE-  
RANS' DAY PARADE.

E. C. FOSHEE,  
Chairman.



## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

E. C. FOSHEE,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Givhan, further consideration of all bills remaining on the Senate Calendar was indefinitely postponed.

## RESOLUTION

Mr. McMillan offered the following Senate Resolution, to-wit:

S. R. 35. BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Supreme Court is hereby requested to render an opinion as to the validity of a minority report of a Committee on Conference of the Legislature relative to Section 64 of the Constitution on the following question:

Does a minority report of a Committee on Conference have validity?

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER  
OF THE SENATE

The President and Presiding Officer of the Senate stated that the Secretary is hereby instructed to spread upon the Journal the following excerpts from the Senate Manual and from the Constitution of Alabama, to-wit:

"15. CONFERENCE COMMITTEE. The conference committee meets and discusses the points of difference between the two houses, trying to reach an agreement. The agreement must be reached on the

basis of a concurrent majority—that is, the agreement must be concurred in by a majority of the conferees of each house, voting separately. If an agreement is reached and if both houses adopt the conference committee report by a yeas and nays vote, the bill is finally passed. If either house refuses to adopt the report of the conference committee, a motion may be made for further conference. If a conference committee is unable to reach an agreement, it may be discharged, and a new conference committee may be appointed. Some highly controversial bills may be referred to several different conference committees. If an agreement is never reached in conference, the bill is lost.”

—from “Legislative Processes and Procedures”, prepared by the Legislative Reference Service for the Senate Manual.

“Sec. 64. No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments.”

—from “The Constitution of Alabama”

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 74. MOURNING THE DEATH OF CLYDE N. TATE.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Minority Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

and said bill, together with the Minority Report and Majority Report, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF CONFERENCE COMMITTEE  
ON HOUSE BILL 9

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Bill, House Bill 9, beg leave to report as follows:

That the House of Representatives and the Senate of Alabama adopt the accompanying Conference substitute.

Rep. Hugh Merrill  
Rep. Walter Owens  
Rep. Richard Manley  
Conferees on part of the House

Senator L. D. Owen, Jr.  
Senator Joe Fine  
Senator Robert T. Wilson  
Conferees on part of the Senate

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 9

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

### Section 3. STATE BOARD OF EDUCATION:

#### A. For Adult Basic Education:

|  |            |
|--|------------|
| To be used to match Federal Funds for a removal<br>of illiteracy program ..... | 300,000.00 |
|--|------------|

#### B. Athens College:

|                                 |              |
|---------------------------------|--------------|
| Operation and maintenance ..... | 1,000,000.00 |
|---------------------------------|--------------|

#### C. Civil Defense Survival Plan:

|   |           |
|---|-----------|
| For salaries and other expenses only, in the<br>operation of the Civil Defense Plan ..... | 17,000.00 |
|---|-----------|

#### D. Civilian Rehabilitation:

|  |              |
|--|--------------|
| For the vocational rehabilitation<br>of handicapped individuals .....                                      | 4,860,000.00 |
| For the Governor's Committee on<br>Employment of Handicapped .....   | 40,000.00    |
| For Medical Services, adjustment<br>training and attendant care for<br>paraplegics and quadraplegics ..... | 800,000.00   |

|             |              |
|-------------|--------------|
| Total ..... | 5,700,000.00 |
|-------------|--------------|

|  |           |
|--|-----------|
| E. For Compact for Education .....   | 15,750.00 |
| (To be expended in accordance with Act No.<br>1143, 1969 Regular Session.) |           |

#### F. Coordination of In-School Tele- vision Program:

|                               |           |
|-------------------------------|-----------|
| For salaries .....            | 80,000.00 |
| For other expenses .....      | 19,000.00 |
| For equipment purchases ..... | 1,000.00  |

|             |            |
|-------------|------------|
| Total ..... | 100,000.00 |
|-------------|------------|

#### G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:

|                               |            |
|-------------------------------|------------|
| For salaries .....            | 218,000.00 |
| For other expenses .....      | 80,000.00  |
| For equipment purchases ..... | 4,000.00   |

|             |            |
|-------------|------------|
| Total ..... | 302,000.00 |
|-------------|------------|

|                               |              |
|-------------------------------|--------------|
| H. For Driver Education ..... | 4,415,000.00 |
|-------------------------------|--------------|

#### I. Drug Education Program:

|   |            |
|---|------------|
| For the necessary education on drug abuse ..... | 163,625.00 |
|---|------------|

**J. DEPARTMENT OF EDUCATION:****(a) For the Department  
of Education:**

|  |              |
|--|--------------|
| For the salary of the State Superintendent, Estimated .. | 40,000.00    |
| For other salaries .....                                 | 1,036,992.00 |
| For other expenses .....                                 | 160,000.00   |
| For rental expense .....                                 | 475,000.00   |
| For equipment purchases .....                            | 20,000.00    |
| For transfer to State Personnel Department .....         | 30,800.00    |

|             |              |
|-------------|--------------|
| Total ..... | 1,762,792.00 |
|-------------|--------------|

|   |           |
|---|-----------|
| (b) For the "Right To Read Program" ..... | 50,000.00 |
|---|-----------|

|  |            |
|--|------------|
| (c) For operation of the Teacher Certification Program ..... | 200,000.00 |
|--|------------|

|   |           |
|---|-----------|
| (e) For Legal Reference Manuals for all Local School Boards ..... | 25,000.00 |
|---|-----------|

|  |           |
|--|-----------|
| (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund ..... | 70,000.00 |
|--|-----------|

|                              |            |
|------------------------------|------------|
| (g) Regional Education ..... | 160,000.00 |
|------------------------------|------------|

|  |            |
|--|------------|
| (h) For the Kindergarten Pilot Program ..... | 500,000.00 |
|--|------------|

|   |           |
|---|-----------|
| K. Elementary Teachers Scholarship Fund ..... | 25,000.00 |
|---|-----------|

**L. Free Textbooks:**

|  |              |
|--|--------------|
| For salaries .....   | 63,332.00    |
| For other expenses .....                                       | 40,000.00    |
| For disbursements to local boards .....                        | 62,250.00    |
| For equipment purchases .....                                  | 1,000.00     |
| For the repair of used and the purchase of new textbooks ..... | 6,318,418.00 |
| For operation of Course Study Commission .....                 | 15,000.00    |

|             |              |
|-------------|--------------|
| Total ..... | 6,500,000.00 |
|-------------|--------------|

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

**M. Alabama School of Fine Arts:**

|                                     |            |
|-------------------------------------|------------|
| For operation and maintenance ..... | 300,000.00 |
|-------------------------------------|------------|

O. Junior College Equalization Account:

For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education.

28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of \$575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Of the above amount appropriated to S. D. Bishop State Junior College, \$35,000.00 shall be expended for the operation of the School of Mortuary Science.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act

350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of \$353,435,100.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of

Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of \$10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars (\$1,160) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of \$1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars (\$216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in



that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of \$7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of \$17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of \$371,834,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

## T. Minimum Program Account:

## Trainable Retarded Children:

|  |            |
|--|------------|
| For the administration of a program for excep- |            |
| tional children and youth .....                | 426,812.00 |

The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

|   |            |
|---|------------|
| U. National Defense Education Program ..... | 275,000.00 |
|---|------------|

## V. Physical Restoration of Crippled Children (Crippled Children's Service):

|                                   |              |              |
|-----------------------------------|--------------|--------------|
| For salaries .....                | 450,000.00   |              |
| For Handicapped Individuals ..... | 2,800,000.00 |              |
| Total .....                       |              | 3,250,000.00 |

## W. To the Department of Education for Plans and Surveys:

|                          |           |
|--------------------------|-----------|
| For salaries .....       | 56,000.00 |
| For other expenses ..... | 16,500.00 |
| Total .....              | 72,500.00 |

## X. To the Department of Education for transfer to the State Telephone Revolving Fund .....

859,512.00

## XX. State Tenure Commission:

|                                |          |
|--------------------------------|----------|
| For expense of operation ..... | 5,000.00 |
|--------------------------------|----------|

## Y. (a) Vocational Education:

|  |               |
|--|---------------|
| For salaries .....                                   | 75,000.00     |
| For other expenses .....                             | 37,150.00     |
| For rental expense .....                             | 9,529.00      |
| For equipment purchases .....                        | 1,500.00      |
| Distributions to local boards and institutions ..... | 28,812,220.00 |

|             |               |
|-------------|---------------|
| Total ..... | 28,935,399.00 |
|-------------|---------------|

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his pro-rata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

|   |            |
|---|------------|
| For Pilot Agribusiness centers for personnel,<br>equipment, facilities, and supplies for demon-<br>stration farm projects ..... | 400,000.00 |
|---|------------|

(c) Vocational Education:

|   |              |
|---|--------------|
| For Industrial Development Training; to be used<br>for industrial purposes only ..... | 1,550,000.00 |
|---|--------------|

|  |            |
|--|------------|
| (d) Walker State Technical College ..... | 200,000.00 |
|--|------------|

Z. State Vocational Technical School Equalization Account:

|  |               |
|--|---------------|
| For the operations and maintenance of the Voca-<br>tional Technical Schools listed below, to be dis-<br>tributed in accordance with a formula adopted<br>by the State Board of Education ..... | 21,936,000.00 |
|--|---------------|

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College—Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College—Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College—Technical Branch (Selma); (27) George C. Wallace State Community College—Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of \$200,000.00 may be used by the State

Board of Education for administration of the Vocational Technical School Program.

|  |               |
|--|---------------|
| <b>AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:</b>          |               |
| For the operation and maintenance of the University .....                            | 6,194,000.00  |
| <b>BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY:</b>              |               |
| For the operation and maintenance of the University of Montgomery .....              | 5,414,000.00  |
| <b>Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:</b>                    |               |
| <b>A. The University:</b>  |               |
| (1) For operation and maintenance .....  | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program .....                                 | 160,000.00    |
| (3) For Emotionally Disturbed Children .....   | 362,000.00    |
| (4) College of Community Health Sciences .....                                       | 1,500,000.00  |
| (5) For Public Service, Research and Extension .....                                 | 1,516,000.00  |
| (6) For Nursing Scholarships .....   | 18,000.00     |
| (7) Psychology Department .....  | 100,000.00    |
| (8) School of Nursing:   |               |
| For operation and maintenance .....  | 200,000.00    |
| (9) Mine Resources Institute .....   | 200,000.00    |
| (10) Museum of Natural History—Moundville State Park .....                           | 126,000.00    |
| (11) Family Practice Clinics .....   | 375,000.00    |
| (12) Vocational Education Teacher Training .....                                     | 100,000.00    |
| <b>B. The University—Birmingham:</b>   |               |
| (1) For the University College:  |               |
| Operation and maintenance .....  | 9,655,000.00  |
| (2) For the School of Community and Allied Health Resources .....                    | 1,123,000.00  |
| (3) For the School of Dentistry:   |               |
| For operation and maintenance .....  | 5,000,000.00  |
| (4) For Diabetes Clinics:  |               |
| For operation and maintenance .....  | 250,000.00    |
| (5) For Extension, Public Service and Research .....                                 | 500,000.00    |
| (6) Urology Department:  |               |
| Treatment, Research and Development .....  | 400,000.00    |
| (7) Regional Technical Institute:  |               |
| For operation and maintenance .....  | 1,034,000.00  |
| (8) For Joint Health Science Program:  |               |
| For operation and maintenance .....  | 1,280,000.00  |
| (9) For Center for Labor Education and Research .....                                | 250,000.00    |
| (10) For Medical School:   |               |
| (a) For operation and maintenance .....  | 9,132,000.00  |
| (b) For operation and maintenance of Medical Information Service via Telephone ..... | 100,000.00    |
| (c) For Department of Pediatrics .....   | 300,000.00    |

|   |               |
|---|---------------|
| (11) For Lurleen B. Wallace Cancer Program:   |               |
| For operation and maintenance .....   | 250,000.00    |
| (12) For School of Nursing:   |               |
| For operation and maintenance .....   | 1,644,000.00  |
| (13) For School of Nursing—Scholarships .....   | 88,400.00     |
| (14) For Student Nurses—Loan Fund .....   | 12,000.00     |
| (15) For School of Optometry:   |               |
| For operation and maintenance .....   | 1,000,000.00  |
| (16) For the University Hospital and Clinics .....  | 2,100,000.00  |
| (17) Spinal-Cord Injury Program .....   | 175,000.00    |
| (18) For Family Residency Program:  |               |
| (a) Anniston .....  | 200,000.00    |
| (b) Florence .....  | 200,000.00    |
| (c) Jefferson County .....  | 200,000.00    |
| (d) Tuscaloosa .....  | 200,000.00    |
| (e) Montgomery .....  | 200,000.00    |
| (f) Heflin .....  | 50,000.00     |
| (19) For construction and renovation at Diabetes<br>Research and Education Hospital in Bir-<br>mingham .....  | 1,000,000.00  |
| <b>C. The University—Huntsville:</b>  |               |
| (1) For operation and maintenance .....   | 4,356,000.00  |
| (2) (a) For School of Medicine<br>(School of Primary Medical Care) .....  | 1,900,000.00  |
| (b) For Ambulatory Care Center .....  | 350,000.00    |
| (3) For Division of Nursing—Scholarships .....  | 18,000.00     |
| (To be expended in accordance with Act No.<br>2290, 1971 Regular Session.)  |               |
| (4) Environmental Science Center .....  | 250,000.00    |
| (5) Motor Vehicle Research Center<br>(1.6% State Cost—Grant) .....  | 50,000.00     |
| (6) School of Nursing .....   | 600,000.00    |
| <b>Section 5. BOARD OF TRUSTEES OF AUBURN<br/>UNIVERSITY:</b>   |               |
| <b>A. The College:</b>  |               |
| (1) For operation and maintenance .....   | 26,605,000.00 |
| (2) Engineering Experiment Station .....  | 475,000.00    |
| (3) Television Education .....  | 300,000.00    |
| (4) Center for Vocational and Adult Teacher<br>Education (The funds provided in sub-<br>section (4) shall be used for the support of<br>undergraduate and graduate teacher edu-<br>cation, research, and in-service extension<br>activities in vocational, technical and adult<br>education ..... | 500,000.00    |
| (5) Psychology Department .....   | 100,000.00    |
| (6) Wildlife Research Unit .....  | 50,000.00     |
| (7) Public Service, Research & Extension .....  | 400,000.00    |
| <b>B. Agriculture Research:</b>   |               |
| Alabama Agriculture Experiment Station at Au-<br>burn, for work and experimentation .....   | 5,460,000.00  |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

|   |              |
|---|--------------|
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services ..... | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session .....  | 500,000.00   |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

|   |              |
|---|--------------|
| For operation and maintenance .....                           | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute ..... | 110,000.00   |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

|                                     |              |
|-------------------------------------|--------------|
| For operation and maintenance ..... | 7,307,000.00 |
|-------------------------------------|--------------|

## FOURTH EXTRAORDINARY SESSION

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|             |   |              |
|-------------|---|--------------|
|             | For School of Nursing Scholarships .....  | 18,000.00    |
|             | (To be expended in accordance with Act<br>No. 2288, 1971 Regular Session)   |              |
|             | For Gadsden Program .....   | 245,000.00   |
| Section 7.  | BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:   |              |
|             | For operation and maintenance .....   | 2,475,000.00 |
|             | For School of Nursing Scholarships .....  | 18,000.00    |
| Section 8.  | BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:  |              |
|             | For operation and maintenance .....   | 4,218,000.00 |
|             | For Speech and Hearing Clinic. ....   | 150,000.00   |
|             | For operation and maintenance of a<br>Highway Safety Program .....  | 110,000.00   |
| Section 9.  | BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:   |              |
|             | For operation and maintenance .....   | 5,000,000.00 |
|             | For School of Nursing Scholarships .....  | 18,000.00    |
|             | (To be expended in accordance with Act<br>No. 2304, 1971 Regular Session)   |              |
| Section 10. | BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:   |              |
|             | (a) For operation and maintenance .....   | 7,442,000.00 |
|             | (b) For Coordinate College for Health<br>Professions .....  | 542,000.00   |
|             | (c) For operation and maintenance of a<br>College of Medicine .....   | 5,650,000.00 |
|             | (d) For Family Residency Program—<br>Baldwin County .....   | 200,000.00   |
|             | (e) For Nursing Scholarships .....  | 18,000.00    |
|             | (To be expended in accordance with<br>Act No. 2302, 1971 Regular Session)   |              |
|             | (f) For Teaching Hospital .....   | 850,000.00   |
|             | (For unrestricted support of health<br>professions education conducted in<br>the University Hospital and Clinics)   |              |
| Section 11. | BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:   |              |
|             | (a) For operation and maintenance .....   | 5,204,000.00 |
|             | (b) For operation and maintenance of<br>Troy State University at Montgomery .....                                   | 165,000.00   |
|             | (c) For operation and maintenance of<br>Troy State University at Fort<br>Rucker—Dothan .....                        | 165,000.00   |
|             | (d) For School of Nursing—Scholarships<br>(To be expended in accordance with<br>Act No. 2292, 1971 Regular Session) | 36,000.00    |
|             | (e) For Public Service Research and<br>Extension .....  | 200,000.00   |

Section 12. BOARD OF TRUSTEES OF ALABAMA  
INSTITUTE FOR DEAF AND BLIND:

|   |              |
|---|--------------|
| (a) For operation and maintenance .....   | 2,960,000.00 |
| (b) For operation and maintenance of<br>the Dept. of Adult Blind and Deaf ..... | 1,255,139.69 |
| (c) For operation and maintenance of<br>the State Library for the Blind .....   | 60,000.00    |

(d) Of the amounts listed above it is provided that in the fiscal year 1975-1976 that in addition to the salary now received and all salary increments due, all non-vocational certificated employees shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars (\$1,160) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

Also each certificated employee shall be allowed two hundred sixteen dollars (\$216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE:

|   |            |
|---|------------|
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX ..... | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX .....                        | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII .....    | 207,025.85 |
| (4) Interest on Endowments:   |            |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated .....   | 44,000.00  |
| For interest on Auburn University Endowment .....   | 20,280.00  |
| For interest on University of Alabama Endowment .....   | 61,000.00  |
| For interest on Grove Hill Endowment .....  | 600.00     |



|  |            |            |
|--|------------|------------|
| For interest on Public School Fund Endowment:  |            |            |
| Interest on 16th Section lands, Estimated .....  | 285,000.00 |            |
| Interest on School Indemnity lands, Estimated .....  | 67,135.81  |            |
| Interest on Valueless 16th Section lands ..  | 5,825.47   |            |
| Interest on Surplus Revenue .....  | 26,763.47  |            |
| Interest on James Wallace Fund .....   | 275.25     |            |
| Total .....  |            | 510,880.00 |
| Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:  |            |            |
| For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association .....   |            | 83,000.00  |
| (To be expended under the provisions of Act No. 792, 1965 Regular Session)   |            |            |
| Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:  |            |            |
| For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated ..... |            | 6,930.00   |
| Section 16. ALABAMA EDUCATION STUDY COMMISSION:  |            |            |
| To be used for educational studies in accordance with Act No. 15, 1969 Special Session:  |            |            |
| For salaries, other expenses and equipment purchases .....   |            | 205,000.00 |
| Section 16a. COMMISSION ON HIGHER EDUCATION:   |            |            |
| For salaries and other expenses .....  |            | 200,000.00 |
| (To be expended in accordance with Act No. 14, 1969 Special Session)   |            |            |
| Section 17. ALABAMA EDUCATIONAL TELEVISION COMMISSION:   |            |            |
| For salaries .....   | 714,000.00 |            |
| For other expenses .....   | 500,000.00 |            |
| For equipment purchases ..   | 241,000.00 |            |

|             |  |            |               |
|-------------|--|------------|---------------|
|             | For automotive equipment purchases .....   | 10,000.00  |               |
|             | For programming .....  | 375,000.00 |               |
|             | Total .....  |            | 1,840,000.00  |
| Section 18. | DEPARTMENT OF PUBLIC HEALTH:   |            |               |
|             | For transfer to the Department of Health:  |            |               |
|             | For Immunization of Pre-School and students .....  | 250,000.00 |               |
|             | For Public School Food Sanitation Program .....  | 250,000.00 |               |
|             | Total .....  |            | 500,000.00    |
| Section 19. | Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County .....  |            | 200,000.00    |
|             | (Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities. |            |               |
| Section 20. | MARINE ENVIRONMENTAL CONSORTORIUM:   |            |               |
|             | For operation and maintenance .....  |            | 325,000.00    |
| Section 21. | MEDICAL SCHOLARSHIPS BOARD:  |            |               |
|             | For Medical Scholarships at the University of Alabama Medical School .....   |            | 135,000.00    |
|             | (To be expended under the provisions of Act No. 278, 1965 1st Special Session)   |            |               |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT .....  |            | 25,000.00     |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE:  |            |               |
|             | State Aid to Counties .....  |            | 650,000.00    |
| Section 24. | SOCIAL SECURITY:   |            |               |
|             | For State's share of Social Security, Estimated .....  |            | 28,000,000.00 |
| Section 25. | SYLACAUGA NURSES TRAINING SCHOOL:  |            |               |
|             | For operation and maintenance .....  | 40,000.00  |               |
|             | For School of Nursing Scholarships .....   | 18,000.00  |               |
|             | (To be expended in accordance with Act No. 2393, 1971 Regular Session)   |            |               |
| Section 26. | BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:   |            |               |
|             | For Teachers' Retirement System, Estimated .....   |            | 90,000,000.00 |
|             | The above appropriation shall be expended in accordance with the statutes  |            |               |

and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

For Teachers' Special Pension Fund, Estimated ..... 4,000,000.00

**Section 27. VETERANS EDUCATION BENEFITS:**

For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act no. 767, 1965 Regular Session, Estimated ..... 900,000.00

**Section 28. JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION** ..... 1,000.00

**Section 29. YOUTH SERVICES BOARD:**

For operation and maintenance ..... 5,100,000.00  
For salaries of Probation Officers ..... 950,000.00  
(To be expended in accordance with Act No. 816, 1973 Regular Session)  
Youth Services Board—For Administration ..... 400,000.00

**Section 30. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED** ..... 29,100.00

**Section 31. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS** ..... 64,000.00

**Section 32. ALABAMA LEARNING RESOURCES CENTER**

(Instructional Materials Center) ..... 60,000.00

**Section 33. COMMISSION ON PHYSICAL FITNESS:**

For salaries ..... 48,300.00  
For other expenses ..... 13,200.00  
For equipment purchases ..... 500.00

Total ..... 62,000.00

**Section 34. PUBLIC LIBRARY SERVICE:**

For salaries ..... 114,000.00  
For other expenses ..... 28,000.00  
For books and periodicals ..... 36,000.00

Total ..... 178,000.00

**Section 35. ALABAMA LAW INSTITUTE** ..... 125,000.00

**Section 36. ALABAMA LAW ENFORCEMENT PLANNING AGENCY:**

For operation and maintenance of a law enforcement academy at Troy State University ..... 55,000.00

|             |  |            |
|-------------|--|------------|
|             | For operation and maintenance of a law enforcement academy at Jacksonville State University  | 55,000.00  |
|             | For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College   | 55,000.00  |
|             | For operation and maintenance of a law enforcement academy at Jefferson State Junior College   | 55,000.00  |
|             | Total  | 220,000.00 |
| Section 37. | WALKER COUNTY BOARD OF EDUCATION:  |            |
|             | For the use of the Sumiton Elementary  | 500,000.00 |
| Section 38. | HENRY COUNTY BOARD OF EDUCATION:   |            |
|             | For capital outlay purposes  | 300,000.00 |
| Section 39. | BIRMINGHAM CITY BOARD OF EDUCATION:  |            |
|             | For Speech and Hearing Clinic  | 100,000.00 |
| Section 40. | WINFIELD CITY BOARD OF EDUCATION:  |            |
|             | For Capital Outlay   | 300,000.00 |
| Section 41. | MORGAN COUNTY BOARD OF EDUCATION:  |            |
|             | Falkville High School  |            |
|             | For the construction of a gymnasium  | 300,000.00 |
| Section 42. | BIRMINGHAM SYMPHONY ASSOCIATION, INC.  | 100,000.00 |
|             | (To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.) |            |
| Section 43. | ARAB CITY BOARD OF EDUCATION   | 450,000.00 |
| Section 44. | STATE BOARD OF EDUCATION:  |            |
|             | For additional construction and equipping of the Atmore State Technical Institute  | 228,000.00 |

|             |   |            |
|-------------|---|------------|
| Section 45. | LOWNDES COUNTY BOARD OF EDUCATION:<br>For construction and equipping a burned school in Lowndes County .....        | 300,000.00 |
| Section 46. | LAUDERDALE COUNTY BOARD OF EDUCATION:<br>For capital outlay purposes for Central School .....                       | 380,000.00 |
| Section 47. | BULLOCK COUNTY SCHOOL BOARD:<br>For burned out school buildings .....   | 250,000.00 |
| Section 48. | MACON COUNTY SCHOOL BOARD:<br>For burned out school buildings .....   | 250,000.00 |
| Section 49. | PERRY COUNTY BOARD OF EDUCATION:<br>For capital outlay purposes for the school located in Heiberger Community ..... | 300,000.00 |
| Section 50. | THE ALABAMA POST-SECONDARY 1202 COMMISSION:<br>For the Alabama Student Assistant Program .....                      | 350,000.00 |
| Section 51. | ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION .....  | 50,000.00  |
| Section 52. | GADSDEN CITY BOARD OF EDUCATION:<br>For Capital Outlay .....  | 300,000.00 |
| Section 53. | CHILTON COUNTY BOARD OF EDUCATION:<br>For Capital Outlay .....  | 450,000.00 |
| Section 54. | ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION .....   | 30,000.00  |
| Section 55. | ALABAMA COUNCIL ON THE ARTS AND HUMANITIES .....  | 150,000.00 |
| Section 56. | COVINGTON COUNTY BOARD OF EDUCATION:<br>For construction and equipment purchases at Red Level Grammar School .....  | 450,000.00 |

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, The University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State Uni-

versity and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

### HOUSE MESSAGE

As instructed, the Secretary of Senate returned to the House a report relative to H. B. 9 and designated as a minority report, on the grounds that no such report is authorized under the Constitution of Alabama, the Code of Alabama, the Rules of the two Houses, or precedent of the Alabama Legislature.

And on motion of Mr. St. John, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 9, the title of which and said Conference Report are set out in and attached to the foregoing Message from the House.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

Nays:

—0

### RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 36. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Tuesday, November 18, 1975.

Which was read and referred to the Standing Committee on Rules.

### RECESS

At 8:35 P. M., Mr. Fine moved that the Senate adjourn until Tuesday, November 18, 1975 at 10 o'clock A. M.

Mr. Flippo offered a substitute motion that the Senate take a recess until 9:05 this evening, which motion was adopted and the Senate did take a recess until 9:05 this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Report of Committee of Conference on the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

and has discharged the House conferees.

And the Speaker of the House has appointed as a new Committee on the part of the House Messrs. Merrill, Manley and Gafford.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Senate acceded to the request of the House for a new Committee on Conference on the disagreement of the two Houses on the Bill, H. B. 9, the title of which is set out in the foregoing Message from the House.

Yeas 28; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—28

Nays:

—0

Abstaining: Mr. Waldrop

—1

And the present Conference Committee was discharged, and the President and Presiding Officer of the Senate appointed as new Committee on the part of the Senate, Messrs. Owen, Fine and McMillan.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 29. Relative to the creation of a Joint Interim Committee to study the needs of Vocational Education in Alabama.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

Also:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:



H. J. R. 72. Relative to fixing a day for holding the election on constitutional amendments proposed at the current session.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

by a majority of the whole number elected to the House, said vote being Yeas 60, nays 0.

And said Bill, S. B. 50, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 67, Nays 0.

And said Bill S. B. 50, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. J. R. 70

The Senate proceeded to further consideration of the Resolution H. J. R. 70. On motion of Mr. Pearson, further consideration of said Resolution was indefinitely postponed.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 29. CREATION OF A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS OF VOCATIONAL EDUCATION IN ALABAMA.

Also:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

## RESOLUTION

Mr. Flippo offered the following Senate Joint Resolution, S. J. R. 37, to-wit:

**S. J. R. 37. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING,** that when the two Houses adjourn today, they adjourn sine die.

On motion of Mr. Flippo, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**H. J. R. 72. TO FIX A DAY FOR HOLDING THE ELECTION ON CONSTITUTIONAL AMENDMENTS PROPOSED AT THE CURRENT SESSION.**

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## RESOLUTION

Mr. Pearson offered the following Senate Resolution, S. R. 38, to-wit:

**S. R. 38. EXTENDING A WELCOME TO THOSE ORGANIZATIONS CELEBRATING THE 20th ANNIVERSARY OF THE CIVIL RIGHTS MOVEMENT IN MONTGOMERY ON DECEMBER 5th, 6th AND 7th.**

WHEREAS, Much progress in the area of race relations has been made over the last twenty years, and

WHEREAS, There are minorities that have served and are now serving honorably in the Alabama legislature; and

WHEREAS, It is an objective of the Alabama Legislature and the State of Alabama to continue to promote good race relations;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA,** That we welcome to Alabama the many organizations and individuals across the nation that will be celebrating the 20th anniversary of the Civil Rights Movement to be held in Montgomery on December 5th, 6th, and 7th,

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to the convention to be held in Montgomery.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine requested and received unanimous consent to have his name added as co-sponsor of the above Resolution.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

having been reconsidered and postponed on the Sixth Legislative Day, was again taken up.

Mr. Torbert offered the following substitute for the Bill, H. B. 53, to-wit:

## SUBSTITUTE FOR H. 53

A BILL  
TO BE ENTITLED  
AN ACT

To designate and name certain buildings at the Chattahoochee Valley Community College.

Be It Enacted by the Legislature of Alabama:

Section 1. The Administrative Building and the classroom building at the Chattahoochee Valley Community College shall be designated and named The Wilson Hall Complex in honor of the Wilson family that donated part of the land upon which the college is located.

Section 2. The administrative authorities at Chattahoochee Valley Community College shall properly designate such buildings by appropriate signs or markings.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca Waldrop.

—27

Nays:

—0

And said Bill, H. B. 53, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Foshee, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca.

—24

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

said Conference Report being in words and figures as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE BILL 9

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Bill, House Bill 9, beg leave to report as follows:

That the House of Representatives and the Senate of Alabama adopt the accompanying Conference substitute.

Rep. Hugh Merrill  
Rep. Robert C. Gafford  
Rep. Richard Manley  
Conferees on Part of the House

Senator L. D. Owen, Jr.  
Senator Joe Fine  
Senator George McMillan  
Conferees on Part of the Senate

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 9

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "autom-

tive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

### Section 3. STATE BOARD OF EDUCATION:

|   |              |
|---|--------------|
| A. For Adult Basic Education:   |              |
| To be used to match Federal Funds for a removal of illiteracy program .....                         | 300,000.00   |
| B. Athens College:  |              |
| Operation and maintenance .....   | 1,000,000.00 |
| C. Civil Defense Survival Plan:   |              |
| For salaries and other expenses only, in the operation of the Civil Defense Plan .....              | 17,000.00    |
| D. Civilian Rehabilitation:   |              |
| For the vocational rehabilitation of handicapped individuals .....                                  | 4,860,000.00 |
| For the Governor's Committee on Employment of Handicapped .....                                     | 40,000.00    |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics .... | 800,000.00   |
| Total .....   | 5,700,000.00 |
| E. For Compact for Education .....  | 15,750.00    |
| (To be expended in accordance with Act No. 1143, 1969 Regular Session.)                             |              |
| F. Coordination of In-School Television Program:  |              |
| For salaries .....  | 80,000.00    |
| For other expenses .....  | 19,000.00    |
| For equipment purchases .....   | 1,000.00     |
| Total .....   | 100,000.00   |
| G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:                  |              |
| For salaries .....  | 218,000.00   |

|  |              |              |
|--|--------------|--------------|
| For other expenses .....   | 80,000.00    |              |
| For equipment purchases .....  | 4,000.00     |              |
| Total .....  |              | 302,000.00   |
| H. For Driver Education .....  |              | 4,415,000.00 |
| I. Drug Education Program:   |              |              |
| For the necessary education on drug abuse .....  |              | 163,625.00   |
| J. DEPARTMENT OF EDUCATION:  |              |              |
| (a) For the Department of Education:   |              |              |
| For the salary of the State Superintendent, Estimated .....  | 40,000.00    |              |
| For other salaries .....   | 1,036,992.00 |              |
| For other expenses .....   | 160,000.00   |              |
| For rental expense .....   | 475,000.00   |              |
| For equipment purchases .....  | 20,000.00    |              |
| For transfer to State Personnel Department .....   | 30,800.00    |              |
| Total .....  |              | 1,762,792.00 |
| (b) For the "Right To Read Program" .....  |              | 50,000.00    |
| (c) For operation of the Teacher Certification Program .....   |              | 200,000.00   |
| (e) For Legal Reference Manuals for all Local School Boards .....  |              | 25,000.00    |
| (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund ..... |              | 70,000.00    |
| (g) Regional Education .....   |              | 160,000.00   |
| (h) For the Kindergarten Pilot Program .....   |              | 500,000.00   |
| K. Elementary Teachers Scholarship Fund .....  |              | 25,000.00    |
| L. Free Textbooks:   |              |              |
| For salaries .....   | 63,332.00    |              |
| For other expenses .....   | 40,000.00    |              |
| For disbursements to local boards .....  | 62,250.00    |              |
| For equipment purchases .....  | 1,000.00     |              |
| For the repair of used and the purchase of new textbooks .....   | 6,318,418.00 |              |
| For operation of Course Study Commission .....   | 15,000.00    |              |
| Total .....  |              | 6,500,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties

and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

M. Alabama School of Fine Arts:  
For operation and maintenance ..... 300,000.00

O. Junior College Equalization Account:  
For operation and maintenance of the Junior  
Colleges listed below, to be distributed on a  
formula adopted by the State Board of Edu-  
cation ..... 28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of \$575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Of the above amount appropriated to S. D. Bishop State Junior College, \$35,000.00 shall be expended for the operation of the School of Mortuary Science.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated

to the State Board of Education for the fiscal year ending September 30, 1976, the sum of \$353,435,100.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisi-



tions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of \$10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (\$1,232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars (\$1,160) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of \$1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars (\$216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of \$7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of \$17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of \$371,834,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions

of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

**T. Minimum Program Account:**

**Trainable Retarded Children:**

For the administration of a program for exceptional children and youth ..... 426,812.00

The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

**U. National Defense Education Program ..... 275,000.00**

**V. Physical Restoration of Crippled Children (Crippled Children's Service):**

For salaries ..... 450,000.00  
For Handicapped Individuals ..... 2,800,000.00

**Total ..... 3,250,000.00**

**W. To the Department of Education for Plans and Surveys:**

For salaries ..... 56,000.00  
For other expenses ..... 16,500.00

**Total ..... 72,500.00**

**X. To the Department of Education for transfer to the State Telephone Revolving Fund ..... 859,512.00**

**XX. State Tenure Commission:**

For expense of operation ..... 5,000.00

**Y. (a) Vocational Education:**

For salaries ..... 75,000.00  
For other expenses ..... 37,150.00  
For rental expense ..... 9,529.00  
For equipment purchases ..... 1,500.00  
Distributions to local boards  
and institutions ..... 28,812,220.00

**Total ..... 28,935,399.00**

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his pro-rata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

|   |            |
|---|------------|
| For Pilot Agribusiness centers for personnel,<br>equipment, facilities, and supplies for demon-<br>stration farm projects ..... | 400,000.00 |
|---|------------|

(c) Vocational Education:

|   |              |
|---|--------------|
| For Industrial Development Training; to be<br>used for industrial purposes only ..... | 1,550,000.00 |
|---|--------------|

|  |            |
|--|------------|
| (d) Walker State Technical College ..... | 200,000.00 |
|--|------------|

Z. State Vocational Technical School Equalization Account:

|  |               |
|--|---------------|
| For the operations and maintenance of the Voca-<br>tional Technical Schools listed below, to be<br>distributed in accordance with a formula<br>adopted by the State Board of Education ..... | 21,936,000.00 |
|--|---------------|

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College—Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College—Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College;

(24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College—Technical Branch (Selma); (27) George C. Wallace State Community College—Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the Vocational Technial School Program.

AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:  
For the operation and maintenance of the University ..... 6,194,000.00

BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY:  
For the operation and maintenance of the University of Montgomery ..... 5,414,000.00

Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

|  |               |
|--|---------------|
| (1) For operation and maintenance .....                        | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program .....           | 160,000.00    |
| (3) For Emotionally Disturbed Children .....                   | 362,000.00    |
| (4) College of Community Health Sciences .....                 | 1,500,000.00  |
| (5) For Public Service, Research and Extension .....           | 1,516,000.00  |
| (6) For Nursing Scholarships .....                             | 18,000.00     |
| (7) Psychology Department .....                                | 100,000.00    |
| (8) School of Nursing:<br>For operation and maintenance .....  | 200,000.00    |
| (9) Mine Resources Institute .....                             | 200,000.00    |
| (10) Museum of Natural History—<br>Moundville State Park ..... | 126,000.00    |
| (11) Family Practice Clinics .....                             | 375,000.00    |
| (12) Vocational Education Teacher Training .....               | 100,000.00    |

B. The University—Birmingham:

|  |              |
|--|--------------|
| (1) For the University College:<br>Operation and maintenance .....       | 9,655,000.00 |
| (2) For the School of Community and Allied<br>Health Resources .....     | 1,123,000.00 |
| (3) For the School of Dentistry:<br>For operation and maintenance .....  | 5,000,000.00 |
| (4) For Diabetes Clinics:<br>For operation and maintenance .....         | 250,000.00   |
| (5) For Extension, Public Service and Research .....                     | 500,000.00   |
| (6) Urology Department:<br>Treatment, Research and Development .....     | 400,000.00   |
| (7) Regional Technical Institute:<br>For operation and maintenance ..... | 1,034,000.00 |

|  |              |
|--|--------------|
| (8) For Joint Health Science Program:  |              |
| For operation and maintenance .....  | 1,280,000.00 |
| (9) For Center for Labor Education and Research .....  | 250,000.00   |
| (10) For Medical School:   |              |
| (a) For operation and maintenance .....  | 9,132,000.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone .....                 | 100,000.00   |
| (c) For Department of Pediatrics .....   | 300,000.00   |
| (11) For Lurleen B. Wallace Cancer Program:  |              |
| For operation and maintenance .....  | 250,000.00   |
| (12) For School of Nursing:  |              |
| For operation and maintenance .....  | 1,644,000.00 |
| (13) For School of Nursing—Scholarships .....  | 88,400.00    |
| (14) For Student Nurses—Loan Fund .....  | 12,000.00    |
| (15) For School of Optometry:  |              |
| For operation and maintenance .....  | 1,000,000.00 |
| (16) For the University Hospital and Clinics .....   | 2,100,000.00 |
| (17) Spinal-Cord Injury Program .....  | 175,000.00   |
| (18) For Family Residency Program:   |              |
| (a) Anniston .....   | 200,000.00   |
| (b) Florence .....   | 200,000.00   |
| (c) Jefferson County .....   | 200,000.00   |
| (d) Tuscaloosa .....   | 200,000.00   |
| (e) Montgomery .....   | 200,000.00   |
| (f) Heflin .....   | 50,000.00    |
| (19) For construction and renovation at Diabetes Research and Education Hospital in Birmingham ..... | 1,000,000.00 |
| C. The University—Huntsville:  |              |
| (1) For operation and maintenance .....  | 4,356,000.00 |
| (2) (a) For School of Medicine:  |              |
| (School of Primary Medical Care) .....   | 1,900,000.00 |
| (b) For Ambulatory Care Center .....   | 350,000.00   |
| (3) For Division of Nursing—Scholarships .....   | 18,000.00    |
| (To be expended in accordance with Act No. 2290, 1971 Regular Session.)                              |              |
| (4) Environmental Science Center .....   | 250,000.00   |
| (5) Motor Vehicle Research Center:   |              |
| (1.6% State Cost-Grant) .....  | 50,000.00    |
| (6) School of Nursing .....  | 600,000.00   |

#### Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

|   |               |
|---|---------------|
| A. The College:   |               |
| (1) For operation and maintenance .....   | 26,605,000.00 |
| (2) Engineering Experiment Station .....  | 475,000.00    |
| (3) Television Education .....  | 300,000.00    |
| (4) Center for Vocational and Adult Teacher Education (The funds provided in subsection (4) shall be used for the support of undergraduate and graduate teacher |               |

|   |            |
|---|------------|
| education, research, and in-service extension activities in vocational, technical and adult education ..... | 500,000.00 |
| (5) Psychology Department .....   | 100,000.00 |
| (6) Wildlife Research Unit .....  | 50,000.00  |
| (7) Public Service, Research & Extension .....  | 400,000.00 |

B. Agriculture Research:

|  |              |
|--|--------------|
| Alabama Agriculture Experiment Station at Auburn, for work and experimentation ..... | 5,460,000.00 |
|--|--------------|

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

|   |              |
|---|--------------|
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services ..... | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session .....  | 500,000.00   |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn Univer-

sity through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

|   |              |
|---|--------------|
| <b>D. Auburn University—Montgomery:</b>   |              |
| For operation and maintenance .....   | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute .....   | 110,000.00   |
| <b>Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:</b>                                       |              |
| For operation and maintenance .....   | 7,307,000.00 |
| For School of Nursing Scholarships .....  | 18,000.00    |
| (To be expended in accordance with Act No. 2288, 1971 Regular Session)                                      |              |
| For Gadsden Program .....   | 245,000.00   |
| <b>Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:</b>   |              |
| For operation and maintenance .....   | 2,475,000.00 |
| For School of Nursing Scholarships .....  | 18,000.00    |
| <b>Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:</b>  |              |
| For operation and maintenance .....   | 4,218,000.00 |
| For Speech and Hearing Clinic .....   | 150,000.00   |
| For operation and maintenance of a Highway Safety Program .....   | 110,000.00   |
| <b>Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:</b>   |              |
| For operation and maintenance .....   | 5,000,000.00 |
| For School of Nursing Scholarships .....  | 18,000.00    |
| (To be expended in accordance with Act No. 2304, 1971 Regular Session)                                      |              |
| <b>Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:</b>                                    |              |
| (a) For operation and maintenance .....   | 7,442,000.00 |
| (b) For Coordinate College for Health Professions .....   | 542,000.00   |
| (c) For operation and maintenance of a College of Medicine .....  | 5,650,000.00 |
| (d) For Family Residency Program—Baldwin County .....   | 200,000.00   |
| (e) For Nursing Scholarships .....  | 18,000.00    |
| (To be expended in accordance with Act No. 2302, 1971 Regular Session)                                      |              |
| (f) For Teaching Hospital .....   | 850,000.00   |
| (For unrestricted support of health professions education conducted in the University Hospital and Clinics) |              |
| <b>Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:</b>  |              |
| (a) For operation and maintenance .....   | 5,204,000.00 |
| (b) For operation and maintenance of Troy State University at Montgomery .....                              | 165,000.00   |



|   |            |
|---|------------|
| (c) For operation and maintenance of<br>Troy State University at Fort<br>Rucker—Dothan .....                        | 165,000.00 |
| (d) For School of Nursing—Scholarships<br>(To be expended in accordance with<br>Act No. 2292, 1971 Regular Session) | 36,000.00  |
| (e) For Public Service Research and Ex-<br>tension .....  | 200,000.00 |

**Section 12. BOARD OF TRUSTEES OF ALABAMA  
INSTITUTE FOR DEAF AND BLIND:**

|   |              |
|---|--------------|
| (a) For operation and maintenance .....                                       | 2,960,000.00 |
| (b) For operation and maintenance of<br>the Dept. of Adult Blind and Deaf     | 1,255,139.69 |
| (c) For operation and maintenance of<br>the State Library for the Blind ..... | 60,000.00    |

(d) Of the amounts listed above it is provided that in the fiscal year 1975-1976 that in addition to the salary now received and all salary increments due, all non-vocational certificated employees shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars (\$1,160) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

Also each certificated employee shall be allowed two hundred sixteen dollars (\$216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

**Section 13. DEBT SERVICE:**

|  |            |
|--|------------|
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX .. | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX .....                     | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII ..... | 207,025.85 |
| (4) Interest on Endowments:<br>For interest on University of Montevallo (Alabama College) Endowment,<br>Estimated .....  | 44,000.00  |

|  |            |            |
|--|------------|------------|
| For interest on Auburn University Endowment .....  | 20,280.00  |            |
| For interest on University of Alabama Endowment .....  | 61,000.00  |            |
| For interest on Grove Hill Endowment .....   | 600.00     |            |
| For interest on Public School Fund Endowment:  |            |            |
| Interest on 16th Section lands, Estimated .....  | 285,000.00 |            |
| Interest on School Indemnity lands, Estimated .....  | 67,135.81  |            |
| Interest on Valueless 16th Section lands .....   | 5,825.47   |            |
| Interest on Surplus Revenue .....  | 26,763.47  |            |
| Interest on James Wallace Fund .....   | 275.25     |            |
| <b>Total</b> .....   |            | 510,880.00 |
| <b>Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:</b>   |            |            |
| For Dental Scholarships at University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association .....   |            | 33,000.00  |
| (To be expended under the provisions of Act No. 792, 1965 Regular Session)   |            |            |
| <b>Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:</b>   |            |            |
| For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated ..... |            | 6,930.00   |
| <b>Section 16. ALABAMA EDUCATION STUDY COMMISSION:</b>   |            |            |
| To be used for educational studies in accordance with Act No. 15, 1969 Special Session:  |            |            |
| For salaries, other expenses and equipment purchases .....   |            | 205,000.00 |
| <b>Section 16 A. COMMISSION OF HIGHER EDUCATION:</b>   |            |            |
| For salaries and other expenses .....  |            | 200,000.00 |
| (No salary of any employee of the Commission shall exceed the salary   |            |            |

paid to the State Superintendent of  
Education.)

(To be expended in accordance with  
Act No. 14, 1969 Special Session)

Section 17. ALABAMA EDUCATIONAL  
TELEVISION COMMISSION:

|   |            |              |
|---|------------|--------------|
| For salaries .....                          | 714,000.00 |              |
| For other expenses .....                    | 500,000.00 |              |
| For equipment purchases .....               | 241,000.00 |              |
| For automotive equipment<br>purchases ..... | 10,000.00  |              |
| For programming .....                       | 375,000.00 |              |
| Total .....                                 |            | 1,840,000.00 |

Section 18. DEPARTMENT OF  
PUBLIC HEALTH:

For transfer to the Depart-  
ment of Health:

|   |            |            |
|---|------------|------------|
| For Immunization of Pre-<br>School and students ..... | 250,000.00 |            |
| For Public School Food<br>Sanitation Program .....    | 250,000.00 |            |
| Total .....   |            | 500,000.00 |

Section 19. Pike County Family Practice Clinic for  
operation and maintenance of a Family  
Practice Clinic in Pike County .....

200,000.00

(Provided that the aforesaid Family  
Practice Clinic shall be operated by  
either the Family Residency Program  
of the University of Alabama at Bir-  
mingham, or by the Family Residency  
Program of the University of South  
Alabama, or jointly by both Universi-  
ties.

Section 20. MARINE ENVIRONMENTAL  
CONSORTORIUM:

|                                     |            |
|-------------------------------------|------------|
| For operation and maintenance ..... | 325,000.00 |
|-------------------------------------|------------|

Section 21. MEDICAL SCHOLARSHIPS BOARD:

|   |            |
|---|------------|
| For Medical Scholarships at the Univer-<br>sity of Alabama Medical School ..... | 135,000.00 |
|---|------------|

(To be expended under the provisions of  
Act No. 278, 1965 1st Special Session)

Section 22. MONTGOMERY INSTITUTE FOR  
NEUROLOGICAL DEVELOPMENT .....

25,000.00

Section 23. ALABAMA PUBLIC LIBRARY SERVICE:  
State Aid to Counties .....

650,000.00

Section 24. SOCIAL SECURITY:

|  |               |
|--|---------------|
| For State's share of Social Security,<br>Estimated ..... | 28,000,000.00 |
|--|---------------|

|  |               |
|--|---------------|
| <b>Section 25. SYLACAUGA NURSES TRAINING SCHOOL:</b>   |               |
| For operation and maintenance .....  | 40,000.00     |
| For School of Nursing Scholarships .....   | 18,000.00     |
| (To be expended in accordance with Act No. 2393, 1971 Regular Session)   |               |
| <b>Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:</b>  |               |
| For Teachers' Retirement System, Estimated .....   | 90,000,000.00 |
| The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.   |               |
| For Teachers' Special Pension Fund, Estimated .....  | 4,000,000.00  |
| <b>Section 27. VETERANS EDUCATION BENEFITS:</b>  |               |
| For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act no. 767, 1965 Regular Session, Estimated ..... |               |
|  | 900,000.00    |
| <b>Section 28. JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION .....</b>  |               |
|  | 1,000.00      |
| <b>Section 29. YOUTH SERVICES BOARD:</b>   |               |
| For operation and maintenance .....  | 5,100,000.00  |
| For salaries of Probation Officers .....   | 950,000.00    |
| (To be expended in accordance with Act No. 816, 1973 Regular Session)  |               |
| Youth Services Board—For Administration .....  | 400,000.00    |
| <b>Section 30. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED .....</b>  |               |
|  | 29,100.00     |
| <b>Section 31. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS .....</b>   |               |
|  | 64,000.00     |
| <b>Section 32. ALABAMA LEARNING RESOURCES CENTER:</b>  |               |
| (Instructional Materials Center) .....   |               |
|  | 60,000.00     |
| <b>Section 33. COMMISSION ON PHYSICAL FITNESS:</b>   |               |
| For salaries .....   | 48,300.00     |
| For other expenses .....   | 13,200.00     |
| For equipment purchases .....  | 500.00        |
| Total .....  | 62,000.00     |
| <b>Section 34. PUBLIC LIBRARY SERVICE:</b>   |               |
| For salaries .....   | 114,000.00    |

|             |  |            |            |
|-------------|--|------------|------------|
|             | For other expenses .....   | 28,000.00  |            |
|             | For books and periodicals..  | 36,000.00  |            |
|             | <b>Total</b> .....   |            | 178,000.00 |
| Section 35. | ALABAMA LAW INSTITUTE .....  |            | 125,000.00 |
| Section 36. | ALABAMA LAW EN-<br>FORCEMENT PLAN-<br>NING AGENCY:   |            |            |
|             | For operation and mainte-<br>nance of a law enforce-<br>academy at Troy State<br>University .....  | 55,000.00  |            |
|             | For operation and mainte-<br>nance of a law enforce-<br>ment academy at Jack-<br>sonville State University .....   | 55,000.00  |            |
|             | For operation and mainte-<br>nance of a law enforce-<br>ment academy at John<br>C. Calhoun Junior Col-<br>lege .....   | 55,000.00  |            |
|             | For operation and mainte-<br>nance of a law enforce-<br>ment academy at Jeffer-<br>son State Junior College .....  | 55,000.00  |            |
|             | <b>Total</b> .....   |            | 220,000.00 |
| Section 37. | WALKER COUNTY BOARD OF EDU-<br>CATION:   |            |            |
|             | For the use of the Sumiton Elementary....  | 500,000.00 |            |
| Section 38. | HENRY COUNTY BOARD OF EDU-<br>CATION:  |            |            |
|             | For capital outlay purposes .....  | 300,000.00 |            |
| Section 39. | BIRMINGHAM CITY BOARD OF EDU-<br>CATION:   |            |            |
|             | For Speech and Hearing Clinic .....  | 100,000.00 |            |
| Section 40. | WINFIELD CITY BOARD OF EDUCA-<br>TION:   |            |            |
|             | For Capital Outlay .....   | 300,000.00 |            |
| Section 41. | MORGAN COUNTY BOARD OF EDU-<br>CATION:   |            |            |
|             | Falkville High School:   |            |            |
|             | For the construction of a gymnasium .....  | 300,000.00 |            |
| Section 42. | BIRMINGHAM SYMPHONY ASSOCIA-<br>TION, INC. ....  |            | 100,000.00 |
|             | (To be used for the support and mainte-<br>nance of an expanded statewide music<br>education program by the official Sym-<br>phony of the State of Alabama for the<br>young people in the primary and sec-<br>ondary schools and to be expended<br>with the advice of a committee com-<br>posed of the State Superintendent of |            |            |

Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

|             |  |            |
|-------------|--|------------|
| Section 43. | ARAB CITY BOARD OF EDUCATION—  | 450,000.00 |
| Section 44. | STATE BOARD OF EDUCATION:<br>For additional construction and equip-<br>ping of the Atmore State Technical In-<br>stitute ..... | 228,000.00 |
| Section 45. | LOWNDES COUNTY BOARD OF EDU-<br>CATION:<br>For construction and equipping a burned<br>school in Lowndes County .....           | 300,000.00 |
| Section 46. | LAUDERDALE COUNTY BOARD OF<br>EDUCATION:<br>For capital outlay purposes for Central<br>School .....                            | 380,000.00 |
| Section 47. | BULLOCK COUNTY SCHOOL BOARD:<br>For burned out school buildings .....  | 250,000.00 |
| Section 48. | MACON COUNTY SCHOOL BOARD:<br>For burned out school buildings .....  | 250,000.00 |
| Section 49. | PERRY COUNTY BOARD OF EDUCA-<br>TION:<br>For capital outlay purposes for the<br>school located in Heiberger Community .....    | 300,000.00 |
| Section 50. | THE ALABAMA POST-SECONDARY<br>1202 COMMISSION:<br>For the Alabama Student Assistance Pro-<br>gram .....                        | 350,000.00 |
| Section 51. | ALABAMA PEACE OFFICERS AND<br>STANDARDS TRAINING COMMISSION .....  | 50,000.00  |
| Section 52. | GADSDEN CITY BOARD OF EDUCA-<br>TION:<br>For Capital Outlay .....  | 300,000.00 |
| Section 53. | CHILTON COUNTY BOARD OF EDU-<br>CATION:<br>For Capital Outlay .....  | 450,000.00 |
| Section 54. | ALABAMA FIREFIGHTERS PERSON-<br>NEL STANDARDS EDUCATION COM-<br>MISSION .....  | 30,000.00  |
| Section 55. | ALABAMA COUNCIL ON THE ARTS<br>AND HUMANITIES .....  | 150,000.00 |
| Section 56. | COVINGTON COUNTY BOARD OF<br>EDUCATION:<br>For construction and equipment pur-<br>chases at Red Level Grammar School ....      | 450,000.00 |

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary

in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Bill, H. B. 9, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29; Nays 3.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—29

Nays: Messrs. McDonald (S), Perloff, Stewart.

—3

And said Bill, H. B. 9, as thus amended by the Conference report, was again read at length and passed.

Yeas 29; Nays 3.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—29

Nays: Messrs. McDonald (S), Perloff, Stewart.

—3

## MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered the bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

And said bill, H. 214, was again read at length and passed, the Governor's objection to the contrary notwithstanding, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 54, Nays 34.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

JOHN W. PEMBERTON,  
Clerk.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 5  
S. J. R. 13  
S. J. R. 15  
S. J. R. 17  
S. J. R. 18  
S. J. R. 19  
S. J. R. 20  
S. J. R. 16  
S. J. R. 10  
S. J. R. 11  
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S. 79  
S. 136  
S. 17  
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S. 31  
S. 34  
S. 39  
S. 50  
S. 51  
S. 84  
S. 96  
S. 102  
S. 106  
S. 113  
S. 138  
S. 147  
S. 80  
S. 42  
S. 55  
S. 100

Delivered to the Governor November 10, 1975, at 3 o'clock P.M.

S. 37

Delivered to the Governor November 13, 1975, at 3 o'clock P.M.

S. 85

Delivered to the Secretary of State November 13, 1975, at 3:10 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 11:59 P. M., on motion of Mr. Foshee, the Senate adjourned until Friday, November 14, 1975, at 12:01 A.M.

## EIGHTH LEGISLATIVE DAY

FRIDAY, NOVEMBER 14, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Honorable Crum Foshee, 25th Senatorial District.

## ROLL CALL

Present:

Messrs. Edwards, Foshee, Little, McDonald (A), Stewart. —5

## ADJOURNMENT

At 12:05 A.M., on motion of Mr. Foshee, there being no quorum present, the Senate adjourned until Saturday, November 15, 1975, at 10 o'clock A.M.

## NINTH LEGISLATIVE DAY

SATURDAY, NOVEMBER 15, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Honorable Gary Beers, Education Study Commission, Montgomery, Alabama.

## ROLL CALL

Present:

Mr. Foshee. —1

## ADJOURNMENT

At 10:05 A.M., on motion of Mr. Foshee, there being no quorum present, the Senate adjourned until Sunday, November 16, 1975, at 3 o'clock P.M.

## TENTH LEGISLATIVE DAY

SUNDAY, NOVEMBER 16, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Honorable McDowell Lee, Secretary of the Senate, Montgomery, Alabama.

## ROLL CALL

Present:

Mr. Jones. —1

## ADJOURNMENT

At 3:05 P.M., on motion of Mr. Jones, there being no quorum present, the Senate adjourned until Monday, November 17, 1975, at 6 o'clock P.M.

## ELEVENTH LEGISLATIVE DAY

MONDAY, NOVEMBER 17, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Cecil E. Bradley, Pastor, Saint James United Methodist Church, Montgomery, Alabama.

## ROLL CALL

## Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—27

## JOURNAL

On motion of Mr. Fine, the reading of the Journals of the Seventh, Eighth, Ninth and Tenth Days was dispensed with and same approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Clemon, Givhan, Littleton, McMillan, Powell, Stewart and Waldrop for today.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Seventh, Eighth, Ninth and Tenth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journals of the Senate for the Seventh, Eighth, Ninth and Tenth Legislative Days were approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 53. To designate and name certain buildings at the Chatahoochee Valley Community College.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## ADJOURNMENT

At 6:05 P.M., on motion of Mr. Fine, the Senate adjourned until Tuesday, November 18, 1975, at 9 o'clock A.M.

## TWELFTH LEGISLATIVE DAY

TUESDAY, NOVEMBER 18, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Honorable Maston Mims, 31st Senatorial District.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—33

## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Wilson for today.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1975-76

To the Honorable Members of the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Sirs:

On November 13, 1975, we received from you a copy of Senate Resolution 35 by Mr. McMillan, requesting our opinions, on the validity of a minority report of a Committee on Conference of the Legislature which we assume is in connection with a pending bill, viz: "Does a minority report of a Committee on Conference have validity?" The answer to this question depends upon whether a minority report of a Committee on Conference of the Legislature is permitted by the rules adopted by each house of the Legislature, or by precedents and practices of each house of the Legislature.

Under Section 53 of the Constitution of Alabama, 1901, each house has the power to determine the rules of its proceedings. The Legislature, therefore, has the authority to determine whether to permit a minority report of a Committee on Conference to be filed. While Section 64 of the Constitution of Alabama, 1901, specifically provides that " \* \* \* no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal . . .", the Constitution does not specifically prohibit the filing of such a report, but neither does it specifically permit the filing of such a report.

In short, each house has the power to determine the rules of its proceedings.

For guidance in making your determination, you may wish to look at the practices and procedures followed by similar bodies. see: Mason's Manual of Legislative Procedure, Chapter 72, pp. 543-552; Jefferson's Manual, Section XLVI (Manual and Rules of House of Representatives, 94th Congress, House Document 416, 93rd Cong., 2d Sess., 13079, pp. 268-282); Rules and Manual, United States Senate, 1973, pp. 147-164; Senate Document No. 21, 93rd Congress, First Session, document No. 13028, pp. 283-320 [see, especially, page 312, wherein it is stated: "A minority member of a Conference Committee cannot make a report, under a ruling in the house" (citing Congressional Record, July 29, 1935, pp. 12007-12013).]

In the final analysis, however, it is up to each house to determine how it will handle a Conference Committee report.

Respectfully submitted,

HOWELL HEFLIN, Chief Justice  
PELHAM J. MERRILL  
JAMES N. BLOODWORTH  
HUGH MADDOX  
JAMES H. FAULKNER  
RENEAU P. ALMON  
JANIE L. SHORES  
ERIC EMBRY  
Associate Justices

## COMMUNICATION

The foregoing communication from the Supreme Court of Alabama, relative to S.J.R. 35 and H.B. 9, was read and ordered spread upon the Journal.

## REPORTS OF COMMITTEES

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1 reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sonnier, et al:

H. 262. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

## CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. St. John, further consideration of the Bill, H. B. 42, was indefinitely postponed by the Senate.

On motion of Mr. King, further consideration of the Bill, H. B. 190, was indefinitely postponed by the Senate.

## BILLS ON THIRD READING

The Bill:

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Was read a third time at length and passed.

Yeas 22; Nays 1.

Yeas:

Messrs. Adams, Baker, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Torbert, Vacca.

—22

Nay: Mr. Stewart.

—1

The Bill:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

Was read a third time at length and passed.

Yeas 19; Nays 3.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, Stewart, Vacca.

—19

Nays: Messrs. Baker, Jones, King.

—3

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Mitchell, the Senate non-concurred in the following House amendment to the Bill, S. B. 123, the title of which is set out in the foregoing Message from the House, to-wit:

## JUDICIARY COMMITTEE AMENDMENT TO S. 123

Amend S. B. 123 by striking the following on page 4 Section 1 on line 28 the following:

"except that the fee for all coal, oil, gas, and/or lignite leases shall be per page \$5.00"

Also delete said words and figures at any and all other places where they appear.

and requested a Committee on Conference.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—28

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Mitchell, Bank and Littleton.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Baker, the Senate non-concurred in the following House amendment to the Bill, S. B. 47, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 47

Amend S. B. 47, page 1 line 26 in the title after the word "Act." by adding the following:

"To allow Registers in equity whether elected or appointed to participate in said system."

On page 8 line 10 after the present Section 9 add a new section as follows:

"Section 10. Anything in this Act to the contrary notwithstanding Registers in Equity shall be qualified and entitled to participate in this retirement system whether elected or appointed."

Further amend said bill by renumbering all Sections accordingly.

## HOUSE AMENDMENT TO S. B. 47

Amend S. 47, Section 11 as follows:

Strike the words on line 23, page 8 beginning with the word "who" and ending with the word "Act" on line 26 and in lieu thereof substitute the following words:

"who at the effective date of this Act has accumulated seven (7) years or more credit toward supernumerary status under any existing supernumerary laws"

## AMENDMENT TO S. B. 47

Amend Senate Bill 47 by striking through the figure on page 5, line 27, and inserting in lieu thereof the following: sixteen (16)

and requested a Committee on Conference.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Stewart, Torbert, Vacca.

—26

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Baker, Owen and Foshee.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the



mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Waldrop.

—24

*Nays:*

—0

The Bill:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 141, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 141

Amend S. 141, page 1, lines 35, 36 and 37, by striking out Section 2 entirely and inserting in lieu thereof the following new section.

Section 2. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or by its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McCorquodale, Manley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt:

## H. J. R. 92. MOURNING THE DEATH OF JOE W. GRAHAM.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Joe W. Graham; and

WHEREAS, Joe W. Graham was a former State Senator who represented his constituency well; and

WHEREAS, Joe W. Graham served as Director of the Department of Conservation of the State of Alabama August 1, 1968, through January 18, 1971; and

WHEREAS, Joe W. Graham was Executive Vice-President of the Alabama Forestry Association from July, 1964, through July, 1968, and again from February 1, 1971, until the time of his death; and

WHEREAS, he was a charter member of the Alabama Forestry Association, served on its first board of directors and was a past president of the Association; and

WHEREAS, as a member of the Blue-Grey Civitan Club of Montgomery, Joe W. Graham was an active member of Civitan International,

having served as District Governor of the Alabama-West Florida District, International Sergeant-At-Arms, International Vice-President and was recipient of the International Honor Key of Civitan International in 1955; and

**WHEREAS**, Joe W. Graham was a member of the Alabama Council of Association Executives, the National Society of Association Executives, the Consulting Committee on Forest Research at Auburn University and was the recipient of the Alabama Chapter Society of American Foresters Annual Award to the non-forester making the most outstanding contribution to forestry in the State for the year 1968; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That we mourn the death of Joe W. Graham and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 92, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Ford and Taylor:

**H. J. R. 86. CONGRATULATING MRS. DORA JEAN HILL FOR BEING SELECTED AS THE 1975 CLASSROOM TEACHER OF THE YEAR.**

Also:

By Mr. Plaster:

**H. J. R. 87. CONGRATULATING THE AUTAUGA ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.**

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R's 86 and 87, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

**S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or**

license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 143, the title of which is set out in the foregoing Message from the House, to-wit:

### AMENDMENT TO S. B. 143

Amend S. 143, page 1, lines 31, 32 and 33, by striking out Section 2 entirely and inserting in lieu thereof the following new section.

Section 2. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or by its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 94. CONGRATULATING LEAH RAWLS ATKINS, THE FIRST WOMAN TO BE NAMED TO THE ALABAMA SPORTS HALL OF FAME.

Also:

By Mr. Smith (C):

H. J. R. 95. CONGRATULATING JACKIE HAYES FOR BEING NAMED TO THE 1976 ALABAMA SPORTS HALL OF FAME INDUCTION.

Also:

By Mr. Jackson (R):

H. J. R. 96. COMMENDING THE WEST END LIONS FOOTBALL TEAM FOR THEIR SECOND CONSECUTIVE UNDEFEATED REGULAR FOOTBALL SEASON AND THEIR HISTORIC FOOTBALL VICTORY OVER JEFF DAVIS HIGH SCHOOL.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 94, 95 and 96, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 2. To name three buildings on the Gadsden State Junior College Campus.

was taken up.

Mr. Waldrop offered the following substitute for the Bill, H. B. 2, to-wit:

## SUBSTITUTE FOR H. B. 2

A BILL  
TO BE ENTITLED  
AN ACT

To name a building on Gadsden State Junior College Campus.

WHEREAS Mr. Frank Helderman, Sr., has made many outstanding contributions to education in this state and particularly at Gadsden State Junior College; and

WHEREAS this bill is in recognition of the achievements of Mr. Frank Helderman, Sr., now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The Nursing Education Building now under construction on the Gadsden State Junior College Campus is hereby designated the Frank Helderman, Sr., Building in honor of Frank Helderman, Sr.

Section 2. Gadsden State Junior College is hereby authorized and directed to, immediately upon completion, appropriate markers displaying the name hereby established.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—23

Nays:

—0

And said Bill, H. B. 2, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Vacca.

—20

*Nays:*

—0

The Bill:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

Was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Gilmore, Givhan, Jones, King, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—23

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Jackson (R):

H. J. R. 97. Whereas the Legislature of the State of Alabama proudly notes that Mr. Jewel McNair, Born November 23rd, 1900 at Harlow, Arkansas; he now resides at Rt. 2, Box 151, Fordyce, Arkansas located on the Cotton Belt of the Rock Island Railroad.

Whereas Jewel McNair is the father of 12 children—9 boys and 3 girls with his oldest son being Chris McNair who now serves with distinction in the Alabama Legislature as Chairman of the Jefferson County House Delegation and as a member of the House Ways and Means Committee.

Whereas he sacrificed and sent all of his children to school, all of them having graduated from high school and 5 having graduated from College. He did this by the sweat of his brow by growing and peddling truck crops.

Whereas the fruits of his labor have blossomed bountifully.

Be it Resolved by the Legislature of the State of Alabama, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jewel McNair on his accomplishments and wish him the happiest of birthdays and that God speed him many, many more years to come.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 97, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McMillan and Kinsey:

H. J. R. 82. CONGRATULATING MRS. FLORENCE "TINY" BARON FOR BEING SELECTED "STATE NURSE OF THE YEAR".

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 82, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Riddick, Smith (B), Lutz, Albright and Gregg:

H. J. R. 85. COMMENDING GRISSOM HIGH SCHOOL BAND OF HUNTSVILLE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 85, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sonnier:

H. J. R. 89. COMMENDING MURPHY HIGH SCHOOL FOOTBALL TEAM FOR BEING THE REGION I CHAMPION.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 89, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## UNANIMOUS CONSENT GRANTED

On motion of Mr. Ellis, unanimous consent was granted to dedicate a page of the Senate Journal to the memory of the Honorable Joe W. Graham, former member of the Alabama Senate.

IN MEMORIAM

JOE W. GRAHAM

1916-1975

MEMBER ALABAMA SENATE

1959-1963



## RESOLUTIONS

Mr. Clemon offered the following Senate Joint Resolution, S. J. R. 39, to-wit:

S. J. R. 39. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That one member of the Alabama House of Representatives, to be appointed by the Speaker of the House, and one member of the Alabama Senate, to be appointed by the Lieutenant Governor, be sent to the National Caucus of Black Officials in Washington, D. C.

BE IT FURTHER RESOLVED, That the Legislature of Alabama shall pay all necessary expenses for the Convention and the per diem expenses to and from Washington, D. C.

On motion of Mr. Clemon, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Givhan offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

WHEREAS, the farmers of this State as well as other dealers in grain products are unable to get their grain unloaded and accepted within a reasonable period of time; and,

WHEREAS, this delay not only causes a great inconvenience and financial loss to farmers, but it also results in a loss of revenue to the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The committee shall elect from its members a chairman and vice-chairman. Such members shall be appointed from the Joint Interim Agriculture Committee. The Committee shall investigate all factors relating to or affecting the sale of grain in the State. The Chairman of the Committee shall conduct hearings and examine witnesses who appear before the Committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the Committee's business and expedite its work.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work.

The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the Committee shall be dissolved. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds appropriated to the use of the Legislature, not to exceed \$4,000, on warrants drawn on the state comptroller upon requisition signed by the Committee's Chairman.

On motion of Mr. Givhan, the Rules were suspended and the Resolution was adopted by the Senate.

## BILL RECONSIDERED

On motion of Mr. St. John, the Senate reconsidered the vote by which further consideration of the Bill, H. B. 42, was indefinitely postponed.

Mr. St. John then offered the following substitute for the Bill, H. B. 42, to-wit:

## SUBSTITUTE FOR H. B. 42

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 2 of Act No. 130, Regular Session of the Legislature, 1975, by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to amend said definition of certain city boards and to eliminate county boards.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Act No. 130, Regular Session of the Legislature, 1975, is hereby amended to read as follows:

"Section 2. Whenever used in this Act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

"(b) "Business with which he is associated" means any business of which the person or a member of his family, is an officer, owner, partner, employee or holder of more than 10% of the fair market value of such business.

"(c) "Candidate for public office" means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(d) "Commission" means the State Ethics Commission.

"(e) "Legislative employee" means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of \$12,000 or more per year.

"(f) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

"(g) "Lobbyist" means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or

partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

"(h) 'Reporting Year' means the reporting official's or employee's fiscal tax year as it applies to his United States Income Tax Return(s).

"(i) 'Public Employee' means any employee of state, county or municipal governments who has administrative and discretionary authority for the receipt or expenditures of public funds or who earns in excess of \$15,000 annually but shall not include those persons who are primarily engaged in teaching duties in all schools, colleges, and universities in the State.

"(j) 'Public Employee's Family' means the employee's spouse and dependents.

"(k) 'Public Official' means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the State; members of city and county industrial boards, planning and zoning boards, schools boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereto, in all counties and in cities whose population is more than 30,000 according to the last decennial census. This definition excludes members of all other boards not named including but not limited to those, commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the State of Alabama.

"(l) 'Public Official's Family' means the official's spouse and dependents."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Stewart, further consideration of the Bill, H. B. 42, and pending substitute was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am transmitting herewith a Message from the Governor concerning House Bill Number 9, and containing a suggested Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

DONE THIS 17th DAY OF NOVEMBER, 1975.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 9 without my signature and approval and with a suggested Executive Amendment, which is attached hereto.

This Amendment, if adopted, will reduce appropriations by 2% in all programs funded by the Alabama Special Educational Trust Fund, except teachers' salaries under the Minimum Program Fund which are not reduced, and for appropriations for teachers retirement, social security, and debt service, which are not changed. Teachers' salaries will be revised to provide for a \$1,000.00 raise for all teachers regardless of rank. This Amendment will reduce appropriations from the Alabama Special Educational Trust Fund by \$9.7 million and that amount, when added to the \$14 million now unappropriated under House Bill Number 9, will mean there will be a balance of approximately \$23.7 million in the Alabama Special Educational Trust Fund after all absolute appropriations are paid.

In my opinion, this is the minimum amount that should be established in a reserve fund in order to have sufficient operating funds to begin planning for fiscal year 1976.

When we entered into the current fiscal year, there was an unappropriated balance of \$135 million. To appropriate every dollar down to \$14 million out of a surplus which has accumulated over a period of two years means that you will have to come back in a short period of time with a shortage which cannot be overcome without additional new taxes or a complete elimination of programs which you will not want to eliminate, both in and out of education.

The Governor and the Legislature must look at the overall funding of the various functions of State Government. In my opinion, there are sufficient funds available from existing revenues, if used wisely and in a fiscally sound manner, to finance the functions of State Government without any new taxes and without curtailing drastically any particular programs. In my further opinion, it is imperative that this Amendment be adopted in order to assure fiscal responsibility as we look to the new fiscal year.

Respectfully,

GEORGE C. WALLACE,  
Governor.

## EXECUTIVE AMENDMENT

Amend House Bill Number 9 by deleting Section 3 through Section 56 in their entirety, and substituting in lieu thereof the following:

"Section 3. STATE BOARD OF EDUCATION:

|   |              |
|---|--------------|
| A. For Adult Basic Education:   |              |
| To be used to match Federal Funds for a removal of illiteracy program .....                       | 294,000.00   |
| B. Athens College:  |              |
| For Operation and Maintenance .....   | 980,000.00   |
| C. Civil Defense Survival Plan:   |              |
| For salaries and other expenses only, in the operation of the Civil Defense Plan .....            | 16,660.00    |
| D. Civilian Rehabilitation:   |              |
| For the vocational rehabilitation of handicapped individuals .....                                | 4,762,800.00 |
| For the Governor's Committee on Employment of Handicapped .....                                   | 39,200.00    |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics .. | 784,000.00   |
| Total .....   | 5,586,000.00 |
| E. For Compact for Education .....  | 15,435.00    |
| (To be expended in accordance with Act No. 1143, 1969 Regular Session.)                           |              |
| F. Coordination of In-School Television Program:  |              |
| For salaries .....  | 78,400.00    |
| For other expenses .....  | 18,620.00    |
| For equipment purchases .....   | 980.00       |
| Total .....   | 98,000.00    |
| G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:                |              |
| For salaries .....  | 213,640.00   |
| For other expenses .....  | 78,400.00    |
| For equipment purchases .....   | 3,920.00     |
| Total .....   | 295,960.00   |
| H. For Driver Education .....   | 4,326,700.00 |
| I. Drug Education Program:  |              |
| For the necessary education on drug abuse .....   | 160,352.50   |
| J. DEPARTMENT OF EDUCATION:   |              |
| (a) For the Department of Education:  |              |
| For the salary of the State Superintendent, Estimated ..  | 40,000.00    |
| For other salaries .....  | 1,016,252.16 |
| For other expenses .....  | 156,800.00   |

|  |              |              |
|--|--------------|--------------|
| For rental expense .....   | 474,050.00   |              |
| For equipment purchases .....  | 19,600.00    |              |
| For transfer to State Personnel Department .....   | 30,800.00    |              |
| Total .....  |              | 1,737,502.16 |
| (b) For the "Right To Read Program" .....  |              | 49,000.00    |
| (c) For operation of the Teacher Certification Program .....   |              | 196,000.00   |
| (d) For Legal Reference Manuals for all Local School Boards .....  |              | 24,500.00    |
| (e) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund ..... |              | 68,600.00    |
| (f) Regional Education .....   |              | 156,800.00   |
| (g) For the Kindergarten Pilot Program .....   |              | 490,000.00   |
| K. Elementary Teachers Scholarship Fund .....  |              | 24,500.00    |
| L. Free Textbooks:   |              |              |
| For salaries .....   | 62,065.00    |              |
| For other expenses .....   | 39,200.00    |              |
| For disbursements to local boards .....  | 61,005.00    |              |
| For equipment purchases .....  | 980.00       |              |
| For the repair of used and the purchase of new textbooks .....   | 6,192,050.00 |              |
| For operation of Course Study Commission .....   | 14,700.00    |              |
| Total .....  |              | 6,370,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

|   |               |
|---|---------------|
| M. Alabama School of Fine Arts:   |               |
| For operation and maintenance .....   | 294,000.00    |
| N. Junior College Equalization Account:   |               |
| For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by State Board of Education ..... | 27,868,358.00 |
| (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander   |               |

City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of \$544,635.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph N not more than the sum of \$196,000.00 may be used by the State Board of Education for administration of the State Junior College Program.

O. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than eleven and eighty-two per centum (11.82%) of the state junior college salary schedule for the school year 1974-75.

P. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act .....

343,000.00

Q. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of \$351,623,510.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgement of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the re-

quired nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and forty-five dollars (\$245) per teacher unit for grades K-6 and two hundred ninety-four dollars (\$294) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities, provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of \$9,829,106.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increments due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than one thousand dollars



(\$1,000) per annum; Rank I teachers not less than one thousand dollars (\$1,000) per annum; Rank II teachers not less than one thousand dollars (\$1,000) per annum; Rank III teachers not less than one thousand dollars (\$1,000) per annum; Rank IV teachers not less than one thousand dollars (\$1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than eleven per centum (11%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of \$1,115,454.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section Q) and Vocational Education (sub-section Y (a)) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Twelve Dollars (\$212.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of \$7,086,411.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of \$17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$22,409,160.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of \$369,654,481.00 is based on 30,173 teacher units.

It is provided that in the event there are more than 30,173.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

#### R. Minimum Program Account:

##### Trainable Retarded Children:

For the administration of a program for exceptional children and youth

418,276.00

The appropriation hereinabove made shall be expended by the State Board of Education for

the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

|  |               |
|--|---------------|
| U. National Defense Education Program .....  | 269,500.00    |
| V. Physical Restoration of Crippled Children (Crippled Children's Service):                |               |
| For salaries .....   | 441,000.00    |
| For Handicapped Individuals .....  | 2,744,000.00  |
| Total .....  | 3,185,000.00  |
| W. To the Department of Education for Plans and Surveys:                                   |               |
| For salaries .....   | 54,880.00     |
| For other expenses .....   | 16,170.00     |
| Total .....  | 71,050.00     |
| X. To the Department of Education for transfer to the State Telephone Revolving Fund ..... | 842,322.00    |
| XX. State Tenure Commission:   |               |
| For expenses of operation .....  | 4,900.00      |
| Y. (a) Vocational Education:   |               |
| For salaries .....   | 73,500.00     |
| For other expenses .....   | 36,407.00     |
| For rental expense .....   | 9,384.00      |
| For equipment purchases .....  | 1,470.00      |
| Distributions to local boards and institutions .....                                       | 28,235,976.00 |
| Total .....  | 28,356,737.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than eleven and eighty-two per centum (11.82%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his pro-rata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

For Pilot Agribusiness centers for personnel,  
equipment, facilities, and supplies for demon-  
stration farm projects. .... 392,000.00

(c) Vocational Education:

For Industrial Development Training; to be used  
for industrial purposes only ..... 1,519,000.00

(d) Walker State Technical College ..... 196,000.00

Z. State Vocational Technical School Equalization  
Account:

For the operations and maintenance of the Voca-  
tional Technical Schools listed below, to be dis-  
tributed in accordance with a formula adopted  
by the State Board of Education ..... 21,497,280.00

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than eleven and eighty-two per centum (11.82%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College—Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College—Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnellely State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College—Technical Branch (Selma); (27) George C. Wallace State Community College—Technical Branch (Dothan); (28) George C. Wallace State Technical-Community College (Hanceville).

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of \$196,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

AA. BOARD OF TRUSTEES OF THE AGRICUL-  
TURAL AND MECHANICAL UNIVERSITY:

For operation and maintenance ..... 6,070,120.00

**BB. BOARD OF TRUSTEES OF ALABAMA STATE  
UNIVERSITY OF MONTGOMERY:**

|                                     |              |
|-------------------------------------|--------------|
| For operation and maintenance ..... | 5,305,720.00 |
|-------------------------------------|--------------|

**Section 4. BOARD OF TRUSTEES OF THE UNI-  
VERSITY OF ALABAMA:****A. The University:**

|  |               |
|--|---------------|
| (1) For operation and maintenance .....                            | 25,823,000.00 |
| (2) Gadsden Cooperative Upper Division<br>Program .....            | 156,800.00    |
| (3) For Emotionally Disturbed Children .....                       | 354,760.00    |
| (4) For College of Community Health Sciences ..                    | 1,470,000.00  |
| (5) For Public Service, Research and Extension ..                  | 1,485,680.00  |
| (6) For Nursing Scholarships .....                                 | 18,000.00     |
| (7) For Psychology Department .....                                | 98,000.00     |
| (8) For School of Nursing:<br>For operation and maintenance .....  | 196,000.00    |
| (9) For Mine Resources Institute .....                             | 196,000.00    |
| (10) For Museum of Natural History—<br>Moundville State Park ..... | 123,480.00    |
| (11) For Family Practice Clinics .....                             | 367,500.00    |
| (12) For Vocational Education Teacher Training ..                  | 98,000.00     |

**B. The University—Birmingham:**

|   |              |
|---|--------------|
| (1) For University College:<br>For operation and maintenance .....                        | 9,461,900.00 |
| (2) For School of Community and Allied Health<br>Resources .....                          | 1,100,540.00 |
| (3) For School of Dentistry:<br>For operation and maintenance .....                       | 4,900,000.00 |
| (4) For Diabetes Clinics:<br>For operation and maintenance .....                          | 245,000.00   |
| (5) For Extension, Public Service and Research ..   | 490,000.00   |
| (6) For Urology Department:<br>For Treatment, Research and Development ..                 | 392,000.00   |
| (7) For Regional Technical Institute:<br>For operation and maintenance .....              | 1,013,320.00 |
| (8) For Joint Health Science Program:<br>For operation and maintenance .....              | 1,254,400.00 |
| (9) For Center for Labor Education and Research ..  | 245,000.00   |
| (10) For Medical School:<br>(a) For operation and maintenance .....                       | 8,949,360.00 |
| (b) For operation and maintenance of Medi-<br>cal Information Service via Telephone ..... | 98,000.00    |
| (c) For Department of Pediatrics .....  | 294,000.00   |
| (11) For Lurleen B. Wallace Cancer Program:<br>For operation and maintenance .....        | 245,000.00   |
| (12) For School of Nursing:<br>For operation and maintenance .....                        | 1,611,120.00 |
| (13) For School of Nursing—Scholarships .....   | 86,632.00    |
| (14) For Student Nurses—Loan Fund .....   | 11,760.00    |

|   |               |
|---|---------------|
| (15) For School of Optometry:   |               |
| For operation and maintenance .....   | 980,000.00    |
| (16) For University Hospital and Clinics .....  | 2,058,000.00  |
| (17) For Spinal-Cord Injury Program .....   | 171,500.00    |
| (18) For Family Residency Program:  |               |
| (a) Anniston .....  | 196,000.00    |
| (b) Florence .....  | 196,000.00    |
| (c) Jefferson County .....  | 196,000.00    |
| (d) Tuscaloosa .....  | 196,000.00    |
| (e) Montgomery .....  | 196,000.00    |
| (f) Heflin .....  | 49,000.00     |
| (19) For construction and renovation at Diabetes<br>Research and Education Hospital in Bir-<br>mingham .....  | 980,000.00    |
| C. The University—Huntsville:   |               |
| (1) For operation and maintenance .....   | 4,268,880.00  |
| (2) (a) For School of Medicine:   |               |
| (School of Primary Medical Care) .....  | 1,862,000.00  |
| (b) For Ambulatory Care Center .....  | 343,000.00    |
| (3) For Division of Nursing—Scholarships .....  | 18,000.00     |
| (To be expended in accordance with Act No.<br>2290, 1971 Regular Session.)  |               |
| (4) For Environmental Science Center .....  | 245,000.00    |
| (5) For Motor Vehicle Research Center:  |               |
| (1.6% State Cost—Grant) .....   | 49,000.00     |
| (6) For School of Nursing .....   | 588,000.00    |
| Section 5. BOARD OF TRUSTEES OF AUBURN<br>UNIVERSITY:   |               |
| A. The College:   |               |
| (1) For operation and maintenance .....   | 26,072,900.00 |
| (2) For Engineering Experiment Station .....  | 465,000.00    |
| (3) For Television Education .....  | 294,000.00    |
| (4) Center for Vocational and Adult Teacher<br>Education (The funds provided in sub-sec-<br>tion (4) shall be used for the support of<br>undergraduate and graduate teacher edu-<br>cation, research, and in-service extension<br>activities in vocational, technical and adult<br>education) ..... | 490,000.00    |
| (5) For Psychology Department .....   | 98,000.00     |
| (6) Wildlife Research Unit .....  | 49,000.00     |
| (7) For Public Service, Research and Extension .....  | 392,000.00    |
| B. Agriculture Research:  |               |
| Alabama Agriculture Experiment Station at Au-<br>burn, for work and experimentation .....   | 5,350,800.00  |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (B) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (B) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

|   |              |
|---|--------------|
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services ..... | 5,811,400.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session .....  | 490,000.00   |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

|   |              |
|---|--------------|
| For operation and maintenance .....                           | 4,321,800.00 |
| For Montgomery Area Community Health Sciences Institute ..... | 107,800.00   |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

|  |              |
|--|--------------|
| For operation and maintenance .....                                    | 7,160,860.00 |
| For School of Nursing Scholarships .....                               | 18,000.00    |
| (To be expended in accordance with Act No. 228, 1971 Regular Session.) |              |
| For Gadsden Program .....  | 240,100.00   |

|   |              |              |
|---|--------------|--------------|
| <b>Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:</b>   |              |              |
| For operation and maintenance .....   |              | 2,425,500.00 |
| For School of Nursing Scholarships .....  |              | 18,000.00    |
| <b>Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:</b>  |              |              |
| For operation and maintenance .....   |              | 4,133,640.00 |
| For Speech and Hearing Clinic .....   |              | 147,000.00   |
| For operation and maintenance of Highway Safety Program .....   |              | 107,800.00   |
| <b>Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:</b>   |              |              |
| For operation and maintenance .....   |              | 4,900,000.00 |
| For School of Nursing Scholarships .....  |              | 18,000.00    |
| (To be expended in accordance with Act No. 2304, 1971 Regular Session.)   |              |              |
| <b>Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:</b>  |              |              |
| (1) For operation and maintenance .....   | 7,293,160.00 |              |
| (2) For Coordinate College for Health Professions .....   |              | 531,160.00   |
| (3) For operation and maintenance of a College of Medicine .....  |              | 5,537,000.00 |
| (4) For Family Residency Program—Baldwin County .....   |              | 196,000.00   |
| (5) For Nursing Scholarships .....  |              | 18,000.00    |
| (To be expended in accordance with Act No. 2302, 1971 Regular Session.)   |              |              |
| (6) For Teaching Hospital .....   | 833,000.00   |              |
| (For unrestricted support of health professions education conducted in in the University Hospital and Clinics.) |              |              |
| <b>Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:</b>  |              |              |
| (1) For operation and maintenance .....   | 5,099,920.00 |              |
| (2) For operation and maintenance of Troy State University at Montgomery .....                                  |              | 161,700.00   |
| (3) For operation and maintenance of Troy State University at Fort Rucker—Dothan .....                          |              | 161,700.00   |
| (4) For School of Nursing—Scholarships (To be expended in accordance with Act No. 2292, 1971 Regular Session.)  |              | 36,000.00    |
| (5) For Public Service, Research and Extension .....  |              | 196,000.00   |
| <b>Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:</b>                                   |              |              |
| (1) For operation and maintenance .....   | 2,900,800.00 |              |
| (2) For operation and maintenance of the Department of Adult Blind and Deaf .....                               |              | 1,230,037.00 |



- |  |           |
|--|-----------|
| (3) For operation and maintenance of<br>the State Library for the Blind .... | 58,800.00 |
|--|-----------|

(4) Of the amounts listed above it is provided that in the fiscal year 1975-76 that in addition to the salary now received and all salary increments due, all non-vocational employees with certificates shall receive a salary increase as follows: AA teachers not less than eleven hundred eighteen dollars (\$1,118) per annum; Rank I teachers not less than one thousand fifty-two dollars (\$1,052) per annum; Rank II teachers not less than nine hundred seven dollars (\$907) per annum; Rank III teachers not less than nine hundred seven dollars (\$907) per annum; Rank IV teachers not less than nine hundred seven dollars (\$907) per annum; Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than eleven and eighty-two per centum (11.82%) of the state vocational salary schedule for the school year 1974-75.

Also each employee with certificates shall be allowed two hundred twelve dollars (\$212) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select plan(s) and the carrier(s) of the hospital-medical insurance.

### Section 13. DEBT SERVICE:

- |   |            |
|---|------------|
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX.... | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX .....                      | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII .....  | 207,025.85 |
| (4) Interest on Endowments:   |            |
| For interest on University of Montevallo (Alabama College) Endowment<br>Estimated .....   | 44,000.00  |
| For interest on Auburn University Endowment .....   | 20,280.00  |
| For interest on University of Alabama Endowment .....   | 61,000.00  |
| For interest on Grove Hill Endowment .....  | 600.00     |
| For interest on Public School Fund Endowment:   |            |
| Interest on 16th Section lands, Estimated .....   | 285,000.00 |

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|                |   |            |              |
|----------------|---|------------|--------------|
|                | Interest on School Indemnity Lands, Estimated .....   | 67,135.81  |              |
|                | Interest on Valueless 16th Section lands....  | 5,825.47   |              |
|                | Interest on Surplus Revenue .....   | 26,763.47  |              |
|                | Interest on James Wallace Fund .....  | 275.25     |              |
|                | Total .....   |            | 510,880.00   |
| Section 14.    | BOARD OF DENTAL SCHOLARSHIP AWARDS:   |            |              |
|                | For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association .....  |            | 83,000.00    |
|                | (To be expended under the provisions of Act No. 792, (1965 Regular Session))  |            |              |
| Section 15.    | EDUCATION OF DEPENDENTS OF BLIND PARENTS:   |            |              |
|                | For reimbursement of every State Institution of Higher Learning, College, University or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated ..... |            | 6,930.00     |
| Section 16.    | ALABAMA EDUCATION STUDY COMMISSION:   |            |              |
|                | To be used for educational studies in accordance with Act No. 15, 1969 Special Session:   |            |              |
|                | For salaries other expenses and equipment purchases .....   |            | 200,900.00   |
| Section 16. A. | COMMISSION ON HIGHER EDUCATION:   |            |              |
|                | For salaries and other expenses .....   |            | 196,000.00   |
|                | (No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.) (To be expended in accordance with Act No. 14, 1969 Special Session).  |            |              |
| Section 17.    | ALABAMA EDUCATIOIAL TELEVISION COMMISSION:  |            |              |
|                | For salaries .....  | 699,720.00 |              |
|                | For other expenses .....  | 490,000.00 |              |
|                | For equipment .....   | 236,180.00 |              |
|                | For automotive equipment purchases .....  | 9,800.00   |              |
|                | For programming .....   | 367,500.00 |              |
|                | Total .....   |            | 1,803,200.00 |

|   |               |
|---|---------------|
| Section 18. DEPARTMENT OF<br>PUBLIC HEALTH:   |               |
| For transfer to the Department of Health:   |               |
| For Immunization of Pre-School and students .....   | 245,000.00    |
| For Public School Food Sanitation Program .....   | 245,000.00    |
| Total .....   | 490,000.00    |
| Section 19. Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County .....   |               |
| (Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities.) | 196,000.00    |
| Section 20. MARINE ENVIRONMENTAL CONSORTORIUM:  |               |
| For operation and maintenance .....   | 318,500.00    |
| Section 21. MEDICAL SCHOLARSHIPS BOARD:   |               |
| For Medical Scholarships at the University of Alabama Medical School .....  | 135,000.00    |
| (To be expended under the provisions of Act No. 278, 1965 1st Special Session)  |               |
| Section 22. MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT .....   |               |
|   | 24,500.00     |
| Section 23. ALABAMA PUBLIC LIBRARY SERVICE  |               |
| State Aid to Counties .....   | 637,000.00    |
| Section 24. SOCIAL SECURITY:  |               |
| For State's share of Social Security, Estimated .....   | 28,000,000.00 |
| Section 25. SYLACAUGA NURSES TRAINING SCHOOL:   |               |
| For operation and maintenance .....   | 39,200.00     |
| For School of Nursing Scholarships .....  | 18,000.00     |
| (To be expended in accordance with Act No. 2393, 1971 Regular Session)  |               |
| Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:  |               |
| For Teachers' Retirement System, Estimated .....  | 90,000,000.00 |
| The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.  |               |
| For Teachers' Special Pension Fund, Estimated .....   | 4,000,000.00  |

|  |              |
|--|--------------|
| Section 27. VETERANS EDUCATION BENEFITS:   |              |
| For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated ..... | 900,000.00   |
| Section 28. JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION .....   |              |
|  | 980.00       |
| Section 29. YOUTH SERVICES BOARD:  |              |
| For operation and maintenance .....  | 4,998,000.00 |
| For salaries of Probation Officers .....   | 931,000.00   |
| (To be expended in accordance with Act No. 816, 1973 Regular Session)  |              |
| Youth Services Board—  |              |
| For Administration .....   | 392,000.00   |
| Section 30. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED .....   |              |
|  | 28,518.00    |
| Section 31. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS .....  |              |
|  | 62,720.00    |
| Section 32. ALABAMA LEARNING RESOURCES CENTER  |              |
| (Instructional Materials Center) .....   | 58,800.00    |
| Section 33. COMMISSION OF PHYSICAL FITNESS:  |              |
| For salaries .....   | 47,334.00    |
| For other expenses .....   | 12,936.00    |
| For equipment purchases .....  | 490.00       |
| Total .....  | 60,760.00    |
| Section 34. PUBLIC LIBRARY SERVICE:  |              |
| For salaries .....   | 111,720.00   |
| For other expenses .....   | 27,440.00    |
| For books and periodicals .....  | 35,280.00    |
| Total .....  | 174,440.00   |
| Section 35. ALABAMA LAW INSTITUTE .....  |              |
|  | 122,500.00   |
| Section 36. ALABAMA LAW ENFORCEMENT PLANNING AGENCY:   |              |
| For operation and maintenance of a law enforcement academy at Troy State University .....  | 53,900.00    |
| For operation and maintenance of a law enforcement academy at Jacksonville State University .....  | 53,900.00    |

|             |  |            |
|-------------|--|------------|
|             | For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College .....   | 53,900.00  |
|             | For operation and maintenance of a law enforcement academy at Jefferson State Junior College .....   | 53,900.00  |
|             | Total .....  | 215,600.00 |
| Section 37. | WALKER COUNTY BOARD OF EDUCATION:<br>For the use of the Sumiton Elementary ..  | 490,000.00 |
| Section 38. | HENRY COUNTY BOARD OF EDUCATION:<br>For capital outlay purposes .....  | 294,000.00 |
| Section 39. | BIRMINGHAM CITY BOARD OF EDUCATION:<br>For Speech and Hearing Clinic .....   | 98,000.00  |
| Section 40. | WINFIELD CITY BOARD OF EDUCATION:<br>For Capital Outlay .....  | 294,000.00 |
| Section 41. | MORGAN COUNTY BOARD OF EDUCATION:<br>Falkville High School:<br>For the construction of a gymnasium .....   | 294,000.00 |
| Section 42. | BIRMINGHAM SYMPHONY ASSOCIATION, INC. ....<br>(To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.) | 98,000.00  |
| Section 43. | ARAB CITY BOARD OF EDUCATION ..  | 441,000.00 |
| Section 44. | STATE BOARD OF EDUCATION:<br>For additional construction and equipping of the Atmore State Technical Institute .....   | 223,400.00 |
| Section 45. | LOWNDES COUNTY BOARD OF EDUCATION:<br>For construction and equipping a burned school in Lowndes County .....   | 294,000.00 |

|             |   |            |
|-------------|---|------------|
| Section 46. | LAUDERDALE COUNTY BOARD OF EDUCATION:<br>For capital outlay purposes for Central school .....                       | 372,400.00 |
| Section 47. | BULLOCK COUNTY SCHOOL BOARD:<br>For burned out school buildings .....   | 245,000.00 |
| Section 48. | MACON COUNTY SCHOOL BOARD:<br>For burned out school buildings .....   | 245,000.00 |
| Section 49. | PERRY COUNTY BOARD OF EDUCATION:<br>For capital outlay purposes for the school located in Heiberger Community ..... | 294,000.00 |
| Section 50. | THE ALABAMA POST-SECONDARY 1202 COMMISSION:<br>For the Alabama Student Assistance Program .....                     | 343,000.00 |
| Section 51. | ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION  | 49,000.00  |
| Section 52. | GADSDEN CITY BOARD OF EDUCATION:<br>For Capital Outlay .....  | 294,000.00 |
| Section 53. | CHILTON COUNTY BOARD OF EDUCATION:<br>For Capital Outlay .....  | 441,000.00 |

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 9, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 61, Nays 31.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 68, Nays 21.

And said Bill, H. 9, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

Mr. Owen moved that the Senate concur in the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 9, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Mr. Shelby offered a substitute motion that the Senate non-concur in said Executive amendment, which motion was adopted, and the Senate did non-concur in the Executive amendment to the Bill, H. B. 9.

Yeas 21; Nays 11; Abstaining 1.

#### Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), Mims, Mitchell, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Vacca.

*Nays:*

Messrs. Baker, Edwards, Flipppo, Jones, McDonald (S), McMillan, Noonan, Owen, Perry, St. John, Torbert.

—11

*Abstaining:* Mr. Waldrop.

—1

which was a majority of the whole number elected to the Senate.

And the Senate reconsidered the Bill, H. B. 9.

And said Bill, H. B. 9, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 20; Nays 12; Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Pearson, Powell, Roberts, Shelby, Vacca.

—20

*Nays:*

Messrs. Baker, Edwards, Flipppo, Jones, McDonald (S), Noonan, Owen, Perloff, Perry, St. John, Stewart, Torbert.

—12

*Abstaining:* Mr. Waldrop.

—1

which was a majority of the whole number elected to the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

Also:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

E. C. FOSHEE,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 93. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Was read a third time at length and lost for lack of a quorum.

Yeas 13; Nays 2.

## Yeas:

Messrs. Bank, Ellis, Flippo, Gilmore, Givhan, Jones, King, Mims, Mitchell, Noonan, Powell, St. John, Vacca.

—13

Nays: Messrs. McMillan, Stewart.

—2

## RECESS

At 11 o'clock A.M., on motion of Mr. King, the Senate took a recess until 12 o'clock Noon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

## REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 47

We, the committee on conference appointed to reconcile the differences of the two houses concerning the House amendments for Senate bill 47, have met in conference, considered the matter in conference, and have agreed to the following report:

Amend Senate Bill 47 by striking through the figure ten (10), on page 5, line 27, and inserting in lieu thereof the figure twelve (12).

Further amend Senate Bill 47 on page 8 line 10 after the present Section 9 add a new Section as follows:

"Section 10. Anything in this Act to the contrary notwithstanding, Registers in Equity and Court Reporters shall be qualified and entitled to participate in this retirement system whether elected or appointed."

Further amend said bill by renumbering all Sections accordingly.

Further amend the bill by striking subsection (1) of SECTION 1 of the bill and inserting the following:

"(1) 'Elected Official' shall mean any duly elected state, county or municipal official of Alabama except that it shall not include a judge



of a district court, a judge of a Probate Court, a judge of a Circuit Court, a judge of the Court of Criminal Appeals, a judge of the Court of Civil Appeals, a justice or chief justice of the Alabama Supreme Court, or a member of the Legislature;".

Further amend the bill by deleting on page 8 line 23 beginning with "who shall" and continuing through "this Act" on line 26 and insert the following: "who at the effective date of this Act has accumulated seven (7) years or more credit toward supernumerary status under any existing supernumerary laws.

John M. Baker  
E. C. Foshee  
L. D. Owen, Jr.  
Conferees on Part of the Senate

Roger Killian  
Murray P. McCluskey  
Edward D. Robertson  
Conferees on Part of the House

### CONFERENCE REPORT

On motion of Mr. Baker, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (S), McMillan, Mims, Owen, Pearson, Perry, Vacca.

—18

Nays:

—0

### REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on Senate Bill 123, as amended beg leave to report as follows:

We recommend that both houses pass Senate Bill 123, and that said bill be further amended as follows:

Amend Senate Bill 123, page 4, lines 22-27, by deleting therefrom said lines and substituting in lieu thereof the following:

Filing and recording, including recording documents filed for record, irrespective of size type, per page .....\$1.50  
Provided, however, filing and recording all oil, gas, mineral and/or coal leases shall be per page .....\$5.00

Further amend Senate Bill 123, as amended, page 2, line 27, by striking the figure \$15.00 and substituting in lieu thereof the figure ...\$7.50

Further amend Senate Bill 123, as amended, by striking all amendments thereto as heretofore adopted by the House and Senate.

Wendell W. Mitchell

Obie J. Littleton

Burt Bank

Conferees on the Part of the Senate

Lynn Greer

Frank Campbell

Larry W. Morris

Conferees on the Part of the House

### CONFERENCE REPORT

On motion of Mr. Mitchell, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Perloff, St. John, Stewart, Torbert, Vacca, Waldrop.

—21

*Nays:*

—0

### FURTHER CONSIDERATION OF H. B. 42

The Bill, H. B. 42, having been postponed earlier, was again taken up. The question was on the substitute offered by Mr. St. John.

On motion of Mr. St. John, further consideration of the Bill, H. B. 42, and pending substitute, was indefinitely postponed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

And said bill, H. 9, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 57, Nays 39.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Campbell, Morris and Greer.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 47. To provide for the creation of the Alabama Elected Officials Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Robertson, Killian and McCluskey.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 40. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Also:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical

Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

Also:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance

and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 82. CONGRATULATING MRS. FLORENCE "TINY" BARON FOR BEING SELECTED "STATE NURSE OF THE YEAR".

Also:

H. J. R. 85. COMMENDING GRISSOM HIGH SCHOOL BAND OF HUNTSVILLE.

Also:

H. J. R. 86. CONGRATULATING MRS. DORA JEAN HILL FOR BEING SELECTED AS THE 1975 CLASSROOM TEACHER OF THE YEAR.

Also:

H. J. R. 87. CONGRATULATING THE AUTAUGA ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

Also:

H. J. R. 89. COMMENDING MURPHY HIGH SCHOOL FOOTBALL TEAM FOR BEING THE REGION I CHAMPION

Also:

H. J. R. 92. MOURNING THE DEATH OF JOE W. GRAHAM.

Also:

H. J. R. 94. CONGRATULATING LEAH RAWLS ATKINS, THE FIRST WOMAN TO BE NAMED TO THE ALABAMA SPORTS HALL OF FAME.

Also:

H. J. R. 95. CONGRATULATING JACKIE HAYES FOR BEING NAMED TO THE 1976 ALABAMA SPORTS HALL OF FAME INDUCTION.

Also:

H. J. R. 96. COMMENDING THE WEST END LIONS FOOTBALL TEAM FOR THEIR SECOND CONSECUTIVE UNDEFEATED REGULAR FOOTBALL SEASON AND THEIR HISTORIC FOOTBALL VICTORY OVER JEFF DAVIS HIGH SCHOOL.

Also:

H. J. R. 97. COMMENDING MR. JEWEL MCNAIR.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from \$5.00 per page to \$2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 40. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

E. C. FOSHEE,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 81

Delivered to the Governor November 13, 1975, at 5:40 P.M.

S. J. R. 27

S. J. R. 30

S. B. 138

Delivered to the Governor November 13, 1975, at 9:25 P.M.

S. J. R. 29

S. B. 50

Delivered to the Governor November 13, 1975, at 10:00 P.M.

S. B. 141

S. B. 143

Delivered to the Governor November 18, 1975, at 11:35 A.M.

S. B. 47

S. B. 123

Delivered to the Governor November 18, 1975, at 3:30 P.M.

McDOWELL LEE,  
Secretary.



## SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

## INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. J. R. 13, the President and Presiding Officer of the Senate announced the appointment of Messrs. Wilson, Foshee and Fine as Senate members of the Joint Interim Committee to Study Management and Efficiency of the Department of Education.

Under the provisions of S. J. R. 20, the President and Presiding Officer of the Senate announced the appointment of Messrs. Adams, Perloff and Ellis as Senate members of the Joint Interim Committee to Study Recycling of Materials.

Under the provisions of S. J. R. 29, the President and Presiding Officer of the Senate announced the appointment of Messrs. Mims, Littleton and Owen as Senate members of the Joint Interim Committee to Study Needs of Vocational Education.

Under the provisions of H. J. R. 10, the President and Presiding Officer of the Senate announced the appointment of Messrs. Gilmore and Powell as Senate members of the Joint Interim Committee to Study Pilot Prisoner Release Program.

Under the provisions of H. J. R. 19, the President and Presiding Officer of the Senate announced the appointment of Messrs. Noonan, Baker, Vacca and McDonald (A) as Senate members of the Joint Supernumerary Study Committee.

Under the provisions of H. J. R. 28, the President and Presiding Officer of the Senate announced the appointment of Messrs. Vacca, Ellis and Torbert as Senate members of the Joint Committee to Study the Problems of Interstate and Intrastate Highway Safety.

## MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of S. J. R. 13, Act No. 68, the Speaker of the House of Representatives announced the appointment of Messrs. Higginbotham, Sasser, Jackson (R) and Pegues as House members of the Joint Interim Committee to Study the Management and Efficiency of the Department of Education.

Under the provisions of S. J. R. 20, Act No. 71, the Speaker of the House of Representatives announced the appointment of Messrs. Leonard, LeFlore and Turnham as House members of the Joint Interim Committee to Study Recovery, Reuse and Recycling of Materials.

Under the provisions of S. J. R. 29, Act No. 126, the Speaker of the House of Representatives announced the appointment of Messrs. Smith (C), Carothers and Lewis as House members on the Joint Interim Committee to Study the Needs of Vocational Education in Alabama.

Under the provisions of H. J. R. 10, Act No. 48, the Speaker of the House of Representatives announced the appointment of Messrs. Robertson, Reed and Hines as House members on the Joint Interim Committee to Study the Feasibility of Initiating a Pilot Prisoner Release Program.

Under the provisions of H. J. R. 19, Act No. 22, the Speaker of the House of Representatives announced the appointment of Messrs. Manley, Higginbotham, Porter and Riddick as House members on the Joint Supernumerary Study Committee.

Under the provisions of H. J. R. 28, Act No. 63, the Speaker of the House of Representatives announced the appointment of Messrs. Waggoner, Quarles, Kennedy and Smith (B) as House members for the continuation of Joint Committee to Study the Problems of Interstate and Intrastate Highway Safety.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Eleventh and Twelfth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journals of the Senate for the Eleventh and Twelfth Legislative Days were approved by the Senate.

ADJOURNMENT

At 3:15 P.M., on motion of Mr. Fine, the Senate adjourned sine die.

/s/ JERE BEASLEY  
Lieutenant Governor and  
President and Presiding  
Officer of the Senate

ATTEST:  
/s/ McDOWELL LEE  
Secretary of Senate

**IN THE LEGISLATURE OF THE STATE OF ALABAMA  
STATE SENATE**

**FOURTH EXTRAORDINARY SESSION, 1975**

**LOBBYIST REGISTRATION**

(In accordance with the provisions of Senate Rule 79.)

Adams, Morris E., Self.

Adwell, Robert G., Fraternal Order of Police.

Akel, Mary Jane, Alabama Education Association.

Albright, A. D., International Union Order of Operating Engineers.

Allen, Walter L., Association of Alabama Cemeteries; Alabama Motorists Association; Alabama Natural Gas Association Management Services, Inc.

Allison, Claude F., Alabama L. P. Gas Association.

Amos, Douglas W., Alabama League of Savings Associations.

Argo, J. Knox, Alabama League of Savings Associations; American Insurance Association.

Armagost, E. R., Alabama Concrete Industries Association.

Andrews, Gordon G., South Central Bell.

Atchison, James E., Alabama Trial Lawyers Association (MCLEA).

Attaway, C. F., Alabama Society of Professional Land Surveyors.

Aultman, Cecil, Steelworkers Legislative Committee.

Avinger, C. E., Southern Bancorporation.

Bailey, George F., Jr., Alabama Railroad Association.

Baker, Schuyler, Alabama Power Company.

Bandy, Loyd, Alabama Asphalt Pavement Association.

Baril, Eugene, General Telephone Company of the S.E.

Barnett, Earl, Alabama Education Association.

Bass, Ray, Alabama State Highway Department.

Bates, Charles Walter, U. S. Pipe & Foundry Company.

Bates, William H., Jr., Alabama Employment Association.

Bell, Ann, Morgan County Board of Registrars.

Benton, J. Robert, Wine Institution.

Bibb, Peyton, South Central Bell Telephone Company.

Black, Diane, Auburn University at Montgomery.

Blackwood, Ray, Alabama Council of Public Service Employees, LIUNA, AFL-CIO.

- Blow, Betty S., Alabama District Attorney's Association.
- Boggs, William P., Alabama Dry Dock & Ship Building Company.
- Bradley, Jack, Steelworkers Legislative Committee and Education of Alabama.
- Bradley, Stephen E., The Decatur Daily.
- Brand, James Bethel, Jr., Associated Industries of Alabama.
- Brandli, Jean S., Coosa Valley Telephone Company.
- Braswell, Thelma, Alabama Education Association.
- Bray, Hulsey A., Jr., Alabama Area Chamber of Commerce.
- Britton, James J., Alabama Chamber of Commerce.
- Brown, David C., University of North Alabama.
- Brunson, Gerald N., Merck Sharp & Dohme, Division of Merck & Company, Inc.
- Bryant, B. G., Police Department (Montgomery).
- Bryant, Lowell G., Communications Workers of America Local 10901.
- Burdett, Robert A., Alabama Crop Improvement Association.
- Burk, Charles W., Distilled Spirits Council of the U. S.
- Burks, Amy, Alabama Education Association.
- Burks, Arthur A., Sr., Alabama A & M University.
- Burns, Charles J., Alabama Trucking Association, Inc.
- Burrell, Richard J., Household Finance Corporation.
- Burson, William H., National Federation of Independent Business.
- Callahan, N. P., Retired Policemen and Widows Receiving Benefits.
- Cantrell, E. H., Alabama State Fraternal Order of Police.
- Carlton, John P., City of Birmingham.
- Carr, Bruce, AFL-CIO.
- Casey, John S., Alabama Banking Association.
- Chambers, E. T., Home Builders Association of Alabama.
- Chastain, Linda, Self.
- Christian, James M., Ciba Pharmaceutical Company.
- Clark, James S., Central Bancshares of South; Eufaula Board of Realtors.
- Cleckler, Robert M., Sr., First National Bank of Childersburg.
- Cloud, John W., Alabama Peace Officers Association.
- Cone, C. E., Montgomery Firefighters Association.
- Conrad, Robert Pryor, Jefferson County Democratic Executive Committee.

Cook, William J., Hudson-Thompson.

Cosper, Robert P., Alabama Education Association; Cullman City Education Association.

Cousins, John L., Fraternal Order of Police, Birmingham, Alabama.

Creel, Ron, Mutual Savings Life Insurance Company.

Crosslin, Dave, AFL-CIO.

Crowder, Charles R., Judicial System of the State of Alabama.

Cruit, George, Alabama Employment Association.

Cunningham, R. S., Alabama Association of Life Underwriters.

Cutchen, Frances C., Self.

Dale, Thom, Alabama Education Association.

Damson, Thomas S., Alabama Employment Association.

Davidson, Rudolph, University of Alabama in Birmingham.

Davis, S. L., Association of County Commissions.

Denholm, David Y., Public Service Research Council.

Disque, J. L., CIBA-GEIGY Corporation.

Dominick, Charlotte, Birmingham Children's Theater.

Doss, Chriss, Jefferson County Commission.

Dowe, Dan, Alabama League of Municipalities.

Dykes, Billy, Alabama Education Association.

Eden, Thomas M., Alabama Textile Manufacturers Association.

Eden, Thomas, III, Calvin Whitesell, Waste-Away Inc.

Edgerton, Mary Alice, Computer Election Systems.

Edington, Robert S., Clyde Foreman.

Eggers, Cecil, Public Service and Industrial Employees, Local Union 1314.

Ellis, Rhett, Alabama Society of Dispensing Opticians.

Engelhardt, Sam, Alabama Power Company.

Eslen, Frederick, Jr., Alabama League of Savings Associations; American Insurance Association.

Estess, G. E., Alabama Employment Association.

Farish, Preston T., Alabama Department of Labor.

Farley, Joseph, Alabama Power Company.

Fields, Edward E., Mobile Gas Service Corporation.

Finley, Robert, State Department of Public Health.

Folse, Paul J., Mobile County Law Enforcement Association.

Ford, Paul B., Jr., Ford Finance Company.

Flynn, Jenne C., Morgan County Board of Registrars.

Frizzle, Cecil, Hudson-Thompson.

Fuller, William P., Jr., Student Government Association, Auburn University.

Gallion, Thomas T., III, American Mutual Insurance Alliance; Alabama Automatic Merchandising Association.

Gamble, James Franklin, National Guard Association of Alabama.

Geddie, Robert B., Jr., Alabama Petroleum Council.

Gibson, Don, Troy State University.

Gibson, Wallace, Judicial System of the State of Alabama.

Gloor, Tom, Jefferson County.

Golden, Jeff, Alabama Association of Student Financial Aid Administrators.

Graham, Joe, Alabama Forestry Association.

Gray, Billy, Birmingham Firefighters Association Local 117.

Greene, Johnnie, Labor.

Green, William Levert, U. S. Pipe and Foundry Company.

Grills, Ed, Magic City Trucking Service.

Gwin, Robert W., Jefferson County.

Hallam, P. G., Alabama Wholesalers, Beer and Wine.

Hamilton, D. N., Alabama Bar Association; Alabama League of Municipalities; The Circuit Clerks and Registrars of Alabama; American Reciprocal Insurance Association.

Hamner, Reginald, Alabama State Bar Association.

Hanebuth, William, Alabama Education Association.

Hardy, George, Jr., Jefferson County Health Department.

Hardin, Edward L., Jr., Alabama Trial Lawyers Association.

Harris, Roosevelt A., Alabama Education Association.

Hart, James Whitfield, Jr., Alabama Petroleum Council.

Hathcock, Perry, City Employees.

Hatley, Billy Ray, Alabama Nursing Home Association.

Hawthorne, Frank, Alabama Power Company.

Hendrix, J. E., State Law Enforcement Association.

Hewlett, William E., Alabama Funeral Directors Association.

Hiller, William D., Hiller Truck Line.

Holloway, Kent, Associated Credit Bureau of Alabama.

Holsenbeck, Daniel, Auburn University at Montgomery.

Horne, John E., Alabama Rural Electric Association.

- House, Mike, Permanent Study Commission.
- Hubbert, Paul, Alabama Education Association.
- Hudson, Mavanee R., Alabama State Employee's Association.
- Hughes, Fred Hendrix, Alabama Education Association.
- Hutchinson, George, Alabama Nursing Homes Association.
- Ingram, Kenneth F., Alabama Circuit Judges Association.
- Jackson, G. I., CWA Local 10908.
- Jason, Elza, Alabama Women's Political Caucus.
- Jetton, Bruce, Alabama Trial Lawyers Association.
- Jimmer, Emmett E., Alabama Education Association.
- Johnsey, Walter F., Capitol Development Company.
- Johnson, Gerald, Birmingham Association of City Employees.
- Johnson, John B., Alabama Petroleum Council.
- Johnston, J. Reese, Jr., Jefferson County, Alabama.
- Jones, Ferrell S., Jr., IBEW.
- Jones, Franklin L., Container Corporation of America.
- Jordan, Lucy, Druid City Hospital.
- Katz, Jane, League of Women Voters.
- Kelce, William, Alabama Surface Mining—Reclamation Council.
- Kendall, Bob, Alabama Railroads Association.
- King, Tom, City of Birmingham.
- Kirchhaine, W. F., Beneficial Management Corporation of America.
- Kitchings, Atley A., South Central Bell Telephone Company.
- Lackey, Harry B., Alabama Probate Judges Association.
- Lacy, Alex, Alabama Gas Corporation.
- Laird, Van, Alabama Education Association.
- Lanier, Jessie E., Sr., Alabama Citizens for Transportation; Alabama League of Municipalities (Jefferson County Cities).
- Lawley, R. W., Jr., University of Montevallo.
- Lawley, W. R., Jr., Alabama Citizens for Transportation.
- Leavell, Winston J., Ben C. Collier, Chairman of Board National Manufacturers, Incorporated.
- Lewis, Riley L., Jr., Western Hills Trade Association.
- Lightsey, Joe, Alabama Education Association.
- Livingston, Edwin K., Alabama Tax Assessors & Collectors Association.
- Livingston, Luther W., Jr., Sandos Pharmaceuticals.

- Lollar, Wilburn R., United Mine Workers of America.
- Long, G. C., Jr., Alabama Hospital Association.
- Looney, Ginny, Alabama Council on Human Relations; Alabama Civil Liberties Union.
- Lowery, Dexter, Local Union 1279
- Ludolf, Luther, Birmingham Firefighters Association.
- Lumpkin, B. J., Alabama Firefighters Pension Fund Association.
- Lybrand, Fred Ray, Independent Bankers Division Alabama Bankers Association.
- MacMahon, W. O., III, City of Birmingham.
- McBroom, Norman L., Alabama State Barber and Beauticians Association.
- McDonald, Charles, Alabama Retailers Association.
- McGregor, Tom, Alabama Gas Corporation.
- McMillan, Harry M., Alabama Chamber of Commerce.
- McNeill, Lloyd C., The Mead Corporation.
- Marr, Thomas M., City of Citronelle.
- Martin, Lonnie, Alabama Association of Realtors.
- Martin, Reul B., United Auto Workers of Alabama.
- Mathews, Charles T., Alabama Farm Bureau Insurance Company.
- Melton, Oakley, Jr., Alabama Soft Drink Association.
- Middleton, Ruby B., Alabama State Chiropractic Association.
- Milne, John D., 3 M Center.
- Miller, John W., Home Builders Association of Alabama.
- Miller, Largent M., Alabama-Mississippi Independent Telephone Association.
- Mills, Robert E., International Brotherhood of Electrical Workers.
- Mobley, Gilbert D., Associated Industries of Alabama.
- Mooresmith, John T., Medical Association of the State of Alabama.
- Morris, Howard J., Jr., Alabama Bankers Association.
- Morrow, Hugh, III, The Mid-South Company, Incorporated; Watkins-Morrow & Company, Incorporated.
- Mull, William P., Alabama Funeral Directors Association.
- Murdock, Jerry D., Employees Association.
- Murphy, Joseph C., Alabama Education Association.
- Nash, James E., Alabama Lenders Association.
- Neira, Rebecca J., Alabama Education Association.
- Norris, Raymond O., Jefferson County Child Development Council.



North, James L., The Medical Clinic Board, City of Montgomery.

Oden, Lewis C., American Insurance Association; Alabama League of Savings Association.

Osborne, LeRoy, Osborne Truck Line.

Ozment, David, Alabama Poultry and Egg Association.

Parks, Carl McDonald, Allstate Insurance Company.

Parsons, Milton K., Alabama Farm Bureau Federation.

Peelen, Jean P., Self.

Pepperman, J. Ed, United States Brewers Association, Incorporated.

Perry, Joy Ann, AFL-CIO LIUNA.

Persons, Maida E., State Highway Department.

Phelps, James E., Association of Alabama Cemeteries.

Pierce, Peter P., Exxon Company, U.S.A.

Pippin, Earl, Alabama Consumer Finance Association.

Poe, J. Curtis, State Law Enforcement Association.

Pratt, Jack E., Steelworkers Legislative Committee, Incorporated.

Price, Charles D., South Central Bell.

Price, John W., Mobile City Law Enforcement Association.

Price, Vic, Alabama State Employees Association.

Price, William H., Auburn University Student Government Association.

Prigmore, Dr. Charles S., Faculty Coalition of University of Alabama.

Purvis, James R., Public Employee Local 1317 AFL-CIO.

Quinn, Randy, Alabama Association of School Boards.

Rabren, Carlos L., Department of Toxicology and Criminal Investigation.

Rains, Billy J., Attalla City Board of Education.

Rawls, W. C., Communications Workers of America.

Rea, Smith, Jr., Associates Capitol Corporation & Cumberland Capital Corporation, Affiliated Co.

Reddick, A. B., Allstate Insurance Companies.

Reynolds, J. D., Alabama Public Health Association.

Reynolds, Robert P., Alabama Student Lobby.

Richardson, Creel, A.A.R.P.—N.R.T.A.

Ritchie, James I., Alabama Trucking Association, Incorporated.

Robertson, Joseph G., Alabama Society of CPA's.

Robinson, Price E., Professional Firefighters Association of Alabama.

- Rogers, Frank E., Jefferson County Sheriff's Department.
- Rogers, Henry T., Alabama Mining Institute.
- Roquemore, Crawford, Jr., Alabama League of Municipalities.
- Rowe, Charles, Jacksonville State University.
- Robertson, William H., Calvin Whitesell.
- Russell, Robert J., Alabama Association of Insurance Agents; Alabama Association of Realtors; Associated General Contractors of America; Alabama Veterinary Medical Association.
- Sellers, Curtis P., University of Alabama.
- Sexton, Cecil D., Montgomery Firefighters Association.
- Sharpless, O. H., Association of County Commissioners of Alabama.
- Shertzer, L. L., Jr., Alabama Road Builders Association.
- Shipp, Sara, Alabama Education Association.
- Sigler, W. C., Communications Workers of America.
- Skinner, T. Julian, Jr., Alabama By-Products Corporation.
- Slater, Stanley M., Alabama Gas Corporation.
- Slatton, Don R., Home Builders Association of Alabama.
- Sloan, Joseph E., General Motors Corporation.
- Smilie, Chris, Shaw Montgomery Warehouse.
- Smith, Carlton E., State Employees Association.
- Smith, Charles H., Alabama Equipment Dealer's Association.
- Smith, Dr. John L., Citizens Impact.
- Smith, J. W., Mobile County Law Association.
- Smith, Paul M., Jr., Alabama Education Association.
- Smith, Phillip H., Talladega College.
- Smith, Timothy Scott, Motor Vehicle Manufacturers Association.
- Smith, William H., Alabama Sheriff's Association.
- Splain, Bennie L., Jr., International Union of Operating Engineers.
- Spradley, Taylor, Montgomery Firefighters Association.
- Springer, Curtis H., Alabama Dairy Products Association.
- Stansell, Theodore M., Alabama Council, American Institute of Architects; Alabama Society of Dispensing Opticians.
- Stefancic, Stanley R., Alabama Common Cause.
- Stephenson, J. W., Alabama Department of Labor.
- Stewart, Donald T., IBEW.
- Stone, Roger J., Jr., Public Service Research Council.
- Strain, Robert E., United States Steel Corporation.

Streetman, Harold E., Automobile Dealers Association of Alabama.  
Strickland, G. G., Birmingham Firefighters Association.  
Stringer, Benjamin, Alabama Education Association.  
Teague, C. Ed, Alabama Livestock Markets Association, Inc.  
Thagard, Launia L., Alabama Pharmaceutical Association.  
Thiemonge, Frank L., Jr., Alabama Safety Council.  
Thigpen, Richard, University of Alabama.  
Tiffany, David M., University of South Alabama.  
Timmons, Robert D., Alabama Sheriff's Association.  
Tomme, Virginia, People for Libraries Urging Support (PLUS).  
Toohey, Frank, University of Alabama.  
Trammell, A. G., AFL-CIO.  
Turner, Robert L., Alabama Sheriff's Association.  
Tyner, Larry, Weyerhaeuser Company.  
Underwood, Kenneth W., Jr., South Central Bell Telephone Co.  
Varner, William R., City Workers of Montgomery.  
Vaughn, Howard R., Liberty National Life Insurance Company.  
Vaughn, Peggy G., Self.  
Vogtle, Jesse S., Alabama Power Company.  
Vonhagel, A. B., Jr., Birmingham Firefighters Association.  
Wagnor, Martin B., Alabama Education Association.  
Walker, James A., Jr., Alabama Dental Association.  
Walker, James P., Alabama Education Association.  
Waller, Michael R., Alabama Student Lobby.  
Ward, Joseph F., Alabama Education Association.  
Wasson, Don, Alabama Mining Institute.  
Waters, W. D., Montgomery Firefighters Association.  
Watkins, John F., Alabama League of Municipalities.  
Watson, Slade G., Common Cause of Alabama.  
Weidler, Mary B., National Organization for Women.  
Whetstone, John David, Alabama District Attorney's Association.  
Whitaker, Richard C., Medical Association of the State of Alabama.  
Whitesell, Calvin M., Alabama Association of Optometrists and Opticians; Tobacco Tax Council; Sperry and Hutchinson Company.  
Williams, Charles H., Jr., Mid-Continental Oil & Gas Association.

Wilson, E. Ham, Alabama Cattlemen's Association.

Yacko, Phillip J., Alabama State Employees' Association.

Yancy, Elise K., Gadsden State Junior College.

Yeaman, James O., Alabama Coalition for Better Education; Automotive Wholesalers' Association of Alabama.

Yeomans, Andy, State Law Enforcement Association.

Additional information on Registered Lobbyists on file in office of Secretary of Senate.

## ROSTER OF THE SENATE OF ALABAMA

1975

Jere Beasley, *Lieutenant Governor* ..... State Capitol, Montgomery  
 Joe Fine, *President Pro-Tem* ..... Russellville  
 McDowell Lee, *Secretary* ..... Montgomery

## District No. 1

Ronnie G. Flippo ..... P. O. Box 1221, Florence 35630

## District No. 2

Joe Fine ..... P. O. Box 818, Russellville 35653

## District No. 3

Bingham Edwards ..... P. O. Box 632, Decatur 35601

## District No. 4

Finis St. John ..... P. O. Drawer K, Cullman 35055

## District No. 5

Robert T. (Bob) Wilson ..... 1501 First Ave., Jasper 35501

## District No. 6

Albert McDonald ..... 6800 Madison Pike, Huntsville 35806

## District No. 7

Bill G. King ..... P. O. Box 382, Huntsville 35804

## District No. 8

John Baker ..... Rt. 3, Rainsville 35986

## District No. 9

Sid McDonald ..... P. O. Box 546, Arab 35016

## District No. 10

Gerald W. Waldrop ..... 181 Lakeshore Dr., (Rt. 10,  
Box 192A) Gadsden 35901

## District No. 11

George McMillan ..... 1550 First National Southern  
Natural Bldg., Birmingham 35203

## District No. 12

Paschal P. ("Pat") Vacca ..... 929-30 Frank Nelson  
Bldg., Birmingham 35203

## District No. 13

J. Richmond Pearson ..... 809 Bolin Street, S.W.  
Birmingham 35211

## District No. 14

Robert L. "Bob" Ellis, Jr. ..... 509 Poplar Lane, Adamsville 35005

## District No. 15

U. W. Clemon ..... 2121 Building, Suite 1600 Birmingham 35203

## District No. 16

Richard C. Shelby ..... 324 First Federal Bldg., Tuscaloosa 35401

- District No. 17  
Eddie Hubert Gilmore ..... P. O. Box 546, Bessemer 35020
- District No. 18  
Obie J. Littleton ..... P. O. Box 1288, Clanton 35045
- District No. 19  
Robert (Bobby) Weaver ..... P. O. Box 735, Talladega 35160
- District No. 20  
Donald W. Stewart ..... P. O. Box 2182, Anniston 36201
- District No. 21  
T. D. (Ted) Little ..... P. O. Box 342, 544 Sherwood Dr.,  
Auburn 36830
- District No. 22  
C. C. "Bo" Torbert, Jr. .... P. O. Box 711, Opelika 36801
- District No. 23  
T. Dudley Perry ..... P. O. Box 419, Tuskegee 36083
- District No. 24  
Sam L. Adams ..... P. O. Box 1690, Dothan 36301
- District No. 25  
E. C. (Crum) Foshee ..... P. O. Drawer J, Red Level 36474
- District No. 26  
Jerry Powell ..... P. O. Box 400, Eclectic 36024
- District No. 27  
Fred Jones ..... 132 S. Perry St., Montgomery 36104
- District No. 28  
"Walking" Wendell Mitchell ..... P. O. Box 225, Luverne 36049
- District No. 29  
Walter C. Givhan ..... Safford 36773
- District No. 30  
Bert Bank ..... No. 7 Burnt Pine, Rt. 2, Northport 35476
- District No. 31  
Maston Mims ..... Rt. One, Uriah 36480
- District No. 32  
L. D. (Dick) Owen, Jr. .... P. O. Box 45, 211-11th St.,  
Bay Minette 36507
- District No. 33  
Mike Perloff ..... 257 St. Anthony St., Mobile 36606
- District No. 34  
L. W. "Red" Noonan ..... 161 McGregor Ave., Mobile 36608
- District No. 35  
Bill Roberts ..... Rt. 1, Box 278, Theodore 36582

**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1975**

**FINANCE AND TAXATION**

Owen, Chairman; Torbert, Vice-Chairman; Adams, Baker, Edwards, Fine, Foshee, Flippo, Gilmore, Givhan, Jones, Littleton, Mitchell, Perloff, Shelby, Stewart, Wilson.

**RULES**

Foshee, Chairman; Littleton, Vice-Chairman; Fine, Flippo, Gilmore, Shelby, Weaver.

**JUDICIARY**

St. John, Chairman; Mitchell, Vice-Chairman; Clemon, King, Little, A. McDonald, S. McDonald, McMillan, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Weaver.

**CONSTITUTION AND ELECTIONS**

King, Chairman; Ellis, Vice-Chairman; Adams, Flippo, Little, A. McDonald, S. McDonald, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Vacca, Weaver.

**BUSINESS AND LABOR RELATIONS**

Weaver, Chairman; Waldrop, Vice-Chairman; Ellis, Givhan, Little, A. McDonald, McMillan, Noonan, Pearson, Powell, Stewart.

**CONSERVATION**

Pearson, Chairman; Adams, Vice-Chairman; Clemon, King, Mims, Mitchell, Roberts, Stewart, Wilson.

**EDUCATION**

S. McDonald, Chairman; Clemon, Vice-Chairman; Adams, Bank, Ellis, Little, A. McDonald, Mitchell, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Waldrop.

**HEALTH AND WELFARE**

Bank, Chairman; Noonan, Vice-Chairman; Givhan, A. McDonald, S. McDonald, McMillan, Powell, Torbert, Waldrop.

**BANKING**

Fine, Chairman; Vacca, Vice-Chairman; Foshee, Gilmore, Givhan, Jones, Mitchell, Powell, Stewart.

**INSURANCE**

Mitchell, Chairman; Weaver, Vice-Chairman; Baker, Givhan, Littleton, Mims, Powell, Shelby, Wilson.

**AGRICULTURE**

Mims, Chairman; A. McDonald, Vice-Chairman; Adams, Baker, Bank, Edwards, Ellis, Givhan, Little, Perry, Noonan, Vacca, Weaver.

**COMMERCE, TRANSPORTATION, AND UTILITIES**

Flippo, Chairman; McMillan, Vice-Chairman; Edwards, Fine, Foshee, Gilmore, Littleton, S. McDonald, Pearson.

**STATE GOVERNMENT**

Jones, Chairman; Gilmore, Vice-Chairman; Bank, Clemon, King, McMillan, Pearson, Perloff, Shelby, St. John, Stewart.

**LOCAL GOVERNMENT**

Roberts, Chairman; Perry, Vice-Chairman; Baker, Bank, Ellis, King, Little, A. McDonald, St. John, Vacca, Waldrop.

**SEAPORTS AND INLAND WATERWAYS**

Noonan, Chairman; Edwards, Vice-Chairman; Adams, Jones, Mims, Perloff, Roberts, Vacca, Wilson.

**LOCAL LEGISLATION NO. 1**

Littleton, Chairman; Baker, Vice-Chairman; Edwards, Flippo, Jones, King, Mims, Noonan, Perloff.

**LOCAL LEGISLATION NO. 2**

Gilmore, Chairman; Vacca, Vice-Chairman; Clemon, Ellis, Littleton, McMillan, Pearson, Wilson.



# ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

## FOURTH EXTRAORDINARY SESSION 1975

### OFFICERS

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

ROBERT T. (BOBBY TOM) CROWE  
*Speaker Pro-Tem*, Jasper

JOHN W. PEMBERTON, *Clerk*, Montgomery

RICHARD C. WHITAKER  
*Reading Clerk*, Montgomery

### MEMBERS OF THE HOUSE

| Dist.<br>No. | Counties                      | Name                        | Address                                 |
|--------------|-------------------------------|-----------------------------|---|
| 1            | LAUDERDALE                    | Lynn Greer                  | Rt. 3, Box 102, Rogersville 35652       |
| 2            | LAUDERDALE                    | Robert M. (Bob) Hill, Jr.   | 119 Mobile Street Plaza, Florence 35630 |
| 3            | LAUDERDALE, COLBERT, FRANKLIN | Tom C. Coburn               | 1107 E. 3rd St., Tuscumbia 35674        |
| 4            | COLBERT, FRANKLIN             | J. W. (Joe) Goodwin         | 310 Ford Rd., Muscle Shoals 35660       |
| 5            | FRANKLIN, MARION              | Paul J. Weeks               | P. O. Box 674, Winfield 35594           |
| 6            | LAMAR, MARION, FAYETTE        | Allen McNees                | Rt. 1, Vernon 35592                     |
| 7            | LAWRENCE, MORGAN              | Wayland Cross               | Box D, Courtland 35618                  |
| 8            | MORGAN                        | Charles B. Martin           | 1716 Camellia Dr., S.W., Decatur 35601  |
| 9            | MORGAN                        | Tommy Ed Roberts            | Rt. 4, 293-E, Decatur 35601             |
| 10           | MORGAN, CULLMAN               | Tom Drake                   | P. O. Box 36, Cullman 35055             |
| 11           | CULLMAN, WINSTON              | John R. Sparks              | 919 Nunnally Dr., S.W., Cullman 35055   |
| 12           | WINSTON, WALKER               | Robert T. (Bobby Tom) Crowe | Box 2308, Jasper 35501                  |
| 13           | WALKER                        | Alvis Naramore              | 5th Ave. & 19th Street, Jasper 35501    |

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 14 **JEFFERSON, BLOUNT**  
Carl Jolly ..... P. O. Box 366, Gardendale 35071
- 15 **JEFFERSON**  
Robert B. (Bob) Hall ..... Rt. 2, Box 593-W, Pinson 35126
- 16 **LIMESTONE**  
Tommy Carter ..... Rt. 2, Elkmont 35620
- 17 **LIMESTONE, MADISON**  
Warren C. Moore ..... Rt. 3, Box 875, Huntsville 35806
- 18 **MADISON**  
Frank H. Riddick ..... 2920 Hillsboro Rd., S.W., Huntsville 35805
- 19 **MADISON**  
Richard Gregg ..... 401 Wynn Dr., Huntsville 35805
- 20 **MADISON**  
Robert E. Albright ..... 2024 Stanhope Dr., N.E., Huntsville 35811
- 21 **MADISON**  
Bill Smith ..... 2203 Colice Rd., S.E., Huntsville 35801
- 22 **MADISON, JACKSON**  
Hartwell Lutz ..... Suite 52, Central Bank Bldg., Huntsville 35801
- 23 **JACKSON**  
Bethel D. Starkey ..... P. O. Box 3, Pisgah 35765
- 24 **JACKSON, DeKALB**  
Roger Killian ..... P. O. Box 4, Fort Payne 35967
- 25 **DeKALB, MARSHALL**  
Hinton Mitchem ..... P. O. Box 297, Albertville 35950
- 26 **MARSHALL**  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486, Guntersville 35976
- 27 **BLOUNT, ETOWAH, MARSHALL**  
Joe Brindley ..... Route 3, Box 336A, Boaz 35957
- 28 **ETOWAH**  
Joe M. Ford ..... 117 Arcade St., Gadsden 35903
- 29 **ETOWAH**  
Hubert L. Taylor ..... 2714 Hazel Dr., Gadsden 35901
- 30 **ETOWAH, CHEROKEE**  
Kerry Rich ..... Rt. 12, Gadsden 35901
- 31 **JEFFERSON**  
Dr. Dewey White, Jr. ..... P. O. Box 7685A, Birmingham 35223
- 32 **JEFFERSON**  
Francis Falkenburg ..... 3001 Argyle Rd., Birmingham 35213

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 33 JEFFERSON  
Robert C. (Bob) Gafford — 5345 Division Ave., Birmingham 35212
- 34 JEFFERSON  
Richard Andrews ————— P. O. Box 6061, Birmingham 35209
- 35 JEFFERSON  
Jack Biddle, III ————— 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON  
Hoyt W. Trammell ————— Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON  
Tom Leonard ————— 1725 Windsor Blvd., Homewood 35209
- 38 JEFFERSON  
Ronald Edward Jackson ————— 1605 8th Ave., N., Frazier Bldg.,  
Birmingham 35203
- 39 JEFFERSON  
Rev. John T. Porter — 1101 Montevallo Rd., S.W., Birmingham 35211
- 40 JEFFERSON  
Jack Hopping, Sr. ————— 2804 Ave. G., Birmingham 35218
- 41 JEFFERSON  
Chris McNair ————— P. O. Box 1851, Birmingham 35201
- 42 JEFFERSON  
Hugh Boles ————— 1036 Normandale Circle, Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ————— Suite 1722, 2121 Bldg., 8th Ave., N.,  
Birmingham 35203
- 44 JEFFERSON  
A. L. (Tony) Harrison ————— 1214-4th Place No., Birmingham 35204
- 45 JEFFERSON  
Earl F. Hilliard ————— 1605 Eighth Ave., North, Birmingham 35203
- 46 TUSCALOOSA  
Jimmy Lee ————— No. 2 Wood Manor, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. ————— 4501 20th St., N.E., Tuscaloosa 35401
- 48 TUSCALOOSA, BIBB  
Walter Owens ————— 107 Court Sq., West, Centreville 35042
- 49 TUSCALOOSA, JEFFERSON  
Asbury Howard ————— 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON  
Ralph (Buddy) Armstrong ————— 1821 3rd Ave., North, Bessemer 35020

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 51 JEFFERSON, SHELBY  
James T. (Jabo) Waggoner, Jr. 1829 Mission Rd., Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA  
Sonny Moore ..... P. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA  
Murray P. McCluskey ..... Box 599, Sylacauga 35150
- 55 TALLADEGA  
John A. Teague ..... 708 Forest Hill Dr., Childersburg 35044
- 56 ST. CLAIR, CALHOUN  
Marilyn Quarles ..... P. O. Box 214, Springville 35146
- 57 CALHOUN  
Thomas R. (Tom) Shelton ..... P. O. Box 434, Jacksonville 36265
- 58 CALHOUN
- 59 CALHOUN  
Hugh D. Merrill ..... P. O. Box 1498, Anniston 36201
- 60 CLAY, CLEBURNE, TALLADEGA  
Gerald O. Dial ..... Box 275, Lineville 36266
- 61 RANDOLPH, CHAMBERS  
Monroe Smith ..... Rt. 1, Box 984, Lanett 36863
- 62 TALLAPOOSA, CHAMBERS  
Larry Morris ..... Madison St., Alexander City 35010
- 63 TALLAPOOSA, CHAMBERS, LEE  
Pete Turnham ..... P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE  
G. J. (Dutch) Higginbotham ..... P. O. Box 585, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR  
Charles W. Whatley ..... Rt. 5, Box 250, Opelika 36801
- 66 RUSSELL  
James A. Baker ..... 400 29th St., Phenix City 36867
- 67 MACON, BULLOCK  
Thomas Reed ..... Drawer EE, Tuskegee Institute 36088
- 68 PIKE, COFFEE, BULLOCK, BARBOUR  
Joel M. Folmar ..... P. O. Box 325, Troy 36081

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 69 **DALE, BARBOUR, HENRY**  
James G. Sasser.....1208 Skipperville Rd., Ozark 36360
- 70 **HOUSTON, HENRY, BARBOUR**  
Buddy Crawford.....P. O. Box 129, Abbeville 36310
- 71 **HOUSTON**  
Joe R. Carothers, Jr.....Rt. 8, Box 33, Dothan 36301
- 72 **DALE**  
R. Nolan Williams.....Rt. 2, Newton 36352
- 73 **GENEVA, COVINGTON, HOUSTON**  
Jack W. Smith.....P. O. Box 728, Dothan 36301
- 74 **COVINGTON, COFFEE**  
Jimmy W. Holley.....Rt. 3, Box 191E, Elba 36323
- 75 **COVINGTON**  
Frank Jackson.....P. O. Box 209, Opp 36467
- 76 **ELMORE**  
Jack B. Venable.....P. O. Box 736, Tallassee 36078
- 77 **MONTGOMERY**  
Rufus A. Lewis.....801 Bolivar St., Montgomery 36104
- 78 **MONTGOMERY, CRENSHAW**  
Cecil L. Wyatt.....P. O. Box 1, Ramer 36069
- 79 **MONTGOMERY**  
Bishop N. Barron.....P. O. Box 221, Montgomery 36101
- 80 **MONTGOMERY**  
Alvin A. Holmes.....P. O. Box 6064, Montgomery 36106
- 81 **MONTGOMERY**  
James D. Harris, Jr.....1406 Union Bank Bldg., Montgomery 36104
- 82 **MONTGOMERY, AUTAUGA, LOWNDES, ELMORE**  
James J. Plaster.....Rt. 1, Box 193, Autaugaville 36003
- 83 **WILCOX, LOWNDES, DALLAS**  
William D. Edwards.....Rt. 1, Box 180A, Ft. Deposit 36032
- 84 **BUTLER, CRENSHAW**  
Eric O. Cates, Jr.....Rt. 2, Box 222, Greenville 36037
- 85 **DALLAS, AUTAUGA**  
John A. Lockett, Jr.....P. O. Box 1354, Selma 36701
- 86 **DALLAS, PERRY, MARENGO**  
R. Leigh Pegues.....202 Early St., Marion 36756
- 87 **MARENGO, SUMTER, HALE, GREENE**  
Richard S. (Rick) Manley.....P. O. Drawer U, Demopolis 36732

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 88 **GREENE, PICKENS, TUSCALOOSA, HALE**  
George N. Clark.....Box 6, Eutaw 35462
- 89 **TUSCALOOSA, PICKENS**  
Edward (Big Ed) Robertson.....P. O. Box 331, Northport 35476
- 90 **SUMTER, CHOCTAW**  
Frank Campbell.....P. O. Box 992, Livingston 35470
- 91 **ESCAMBIA**  
L. Brooks Hines.....P. O. Box 345, Brewton 36426
- 92 **CLARKE, MONROE**  
Joe C. McCorquodale, Jr.....P. O. Box 535, Jackson 36545
- 93 **MONROE, CONECUH, ESCAMBIA**  
James E. (Jimmy) Warren.....P. O. Box 207, Castleberry 36432
- 94 **BALDWIN**  
Daniel L. Kinsey.....P. O. Box 246, Foley 36535
- 95 **BALDWIN, MOBILE**  
John M. McMillan, Jr.....P. O. Box 253, Stockton 36579
- 96 **WASHINGTON, MOBILE**  
J. Henry McCulley.....P. O. Box 45, Wagerlyville 36585
- 97 **MOBILE**  
Robert (Ken) Malone.....130 S. Hwy 43, Apt. 3, Saraland 36571
- 98 **MOBILE**  
Cain J. Kennedy.....1407 Davis Ave., Mobile 36603
- 99 **MOBILE**  
John L. LeFlore.....P. O. Box 1091, Mobile 36601
- 100 **MOBILE**  
J. Thomas (Tommy) Sandusky.....2113 Knollwood Dr., Mobile 36609
- 101 **MOBILE**  
H. L. (Sonny) Callahan.....P. O. Box 1208, Mobile 36601
- 102 **MOBILE**  
Nat Sonnier.....2551 Old Shell Rd., Mobile 36607
- 103 **MOBILE**  
Gary Cooper.....P. O. Box 25, Mobile 36601
- 104 **MOBILE**  
Douglas I. Johnstone.....P. O. Box 1988, Mobile 36601
- 105 **MOBILE**  
Bob Glass.....4723 Bavarian Dr., Mobile 36619

**STANDING COMMITTEES**  
**HOUSE OF REPRESENTATIVES**  
**OF ALABAMA 1975**

**RULES**

Drake, Chairman; Jackson, F., Vice-Chairman; Biddle, Boles, Carothers, Cooper, Goodwin, Gregg, Higginbotham, Hill, McNees, Owens, Pegues, Rich, Sandusky.

**WAYS & MEANS**

Merrill, Chairman; Robertson, Vice-Chairman, Barron, Callahan, Coburn, Crawford, Folmar, McCluskey, McNair, Naramore, Plaster, Riddick, Turnham, Waggoner, Weeks.

**JUDICIARY**

Manley, Chairman; Lutz, Vice-Chairman, Armstrong, Clark, Falkenburg, Harris, Hill, Jackson, R.; Johnstone, Kennedy, Killian, Lockett, Morris, Taylor, Tucker.

**STATE ADMINISTRATION**

Owens, Chairman; Higginbotham, Vice-Chairman; Carter, Crowe, Edwards, Jackson, F.; Kelley, Lewis, McCulley, McMillan, McNees, Smith, C.; Sonnier, Warren, Williams.

**BUSINESS & LABOR**

Malone, Chairman; Morris, Vice-Chairman, Albright, Coburn, Ford, Hilliard, Hines, Hopping, Roberts, Robertson, Smith, B.; Trammell, Whatley, White, Wyatt.

**HEALTH**

Falkenburg, Chairman; White, Vice-Chairman; Biddle, Carothers, Greer, Hines, Holmes, Johnson, Killian, LeFlore, Quarles, Roberts, Sasser, Smith, B.

**BANKING**

Gafford, Chairman; Callahan, Vice-Chairman; Armstrong, Baker, Cates, Crowe, Dial, Ford, Glass, Jolly, Lee, Lewis, Lutz, Roberts, Williams.

**INSURANCE**

Kinsey, Chairman; Cooper, Vice-Chairman; Andrews, Carter, Dial, Higginbotham, Howard, Jackson, F.; Lee, Moore, W.; Owens, Shelton, Smith, M.; Sparks, Wyatt.

**EDUCATION**

Turnham, Chairman; Sasser, Vice-Chairman; Albright, Andrews, Baker, Boles, Brindley, Harrison, Hines, Holley, Holmes, Johnson, Quarles, Starkey, Wyatt.

**AGRICULTURE**

Mitchem, Chairman; Smith, M., Vice-Chairman; Cross, Edwards, Gafford, Howard, Kinsey, Moore, W.; Plaster, Rich, Sandusky, Smith, C.; Smith, J.; Weeks, Whatley.

## CONSERVATION

Carter, Chairman; Warren, Vice-Chairman; Clark, Cross, Glass, Greer, Hall, Johnstone, Kelley, Leonard, McMillan, Smith, C.; Smith, M.; Starkey, Teague.

## PUBLIC WELFARE

Reed, Chairman; LeFlore, Vice-Chairman; Campbell, Clark, Folmar, Gregg, Harris, Hilliard, Johnson, Killian, Lockett, Porter, Shelton, Starkey, Tucker.

## CONSTITUTION &amp; ELECTIONS

Smith, J., Chairman; Lee, Vice-Chairman; Barron, Brindley, Cates, Goodwin, Hall, Holmes, LeFlore, Leonard, Martin, Moore, S.; Sandusky, Sparks, Venable.

## COMMERCE &amp; TRANSPORTATION

Cross, Chairman; Vice-Chairman, Biddle, Campbell, Carothers, Harrison, Holley, Kelley, McCluskey, McCulley, McMillan, Manley, Moore, S.; Sonnier, Teague.

## LOCAL GOVERNMENT

Venable, Chairman; Martin, Vice-Chairman; Campbell, Cooper, Crawford, Jolly, McNair, Malone, Mitchem, Morris, Pegues, Porter, Quarles, Taylor, Waggoner.

## MILITARY AFFAIRS

Cates, Chairman; Ford, Vice-Chairman; Dial, Goodwin, Greer, Hall, Harris, Harrison, Jackson, R.; Jolly, Kennedy, Lockett, Riddick, Sasser, Sonnier.

## HIGHWAY SAFETY

Burgess, Chairman; Smith, Bill, Vice-Chairman; Glass, Hill, Hilliard, Hopping, Lewis, Lutz, McCulley, Martin, Moore, S.; Naramore, Reed, Trammell, Venable.

## LOCAL LEGISLATION NO. 1

Edwards, Chairman; Teague, Vice-Chairman; Brindley, Dial, Holley, Johnson, Kelley, Pegues, Reed, Rich, Shelton, Sparks, Warren, Whatley, Williams.

## LOCAL LEGISLATION NO. 2

(Jefferson)

McNair, Chairman; Andrews, Vice-Chairman; Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Harrison, Hilliard, Hopping, Howard, Jackson, R.; Jolly, Leonard, Moore, S.; Porter, Trammell, Tucker, Waggoner, White.

## LOCAL LEGISLATION NO. 3

(Mobile)

Callahan, Chairman; Glass, Vice-Chairman; Cooper, Johnstone, Kennedy, LeFlore, McCulley, McMillan, Malone, Sandusky, Sonnier.



LOCAL LEGISLATION NO. 4

(Montgomery-Madison)

Montgomery

Barron, Chairman; Harris, Holmes, Lewis, Plaster, Wyatt.

Madison

Lutz, Vice-Chairman; Albright, Gregg, Moore, W.; Riddick, Smith, B.

COMMITTEE ON

INTERGOVERNMENTAL COOPERATION

Crawford, Chairman; McCorquodale, White, Kelley, Kinsey.

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